

EIGHTY-THIRD GENERAL ASSEMBLY
2010 REGULAR SESSION
DAILY
HOUSE CLIP SHEET

MARCH 19, 2010

HOUSE FILE 2229

H-8490

1 Amend the Senate amendment, **H-8409**, to House File
2 2229, as passed by the House, as follows:
3 1. Page 1, after line 2 by inserting:
4 <____. Page 1, by striking lines 8 and 9 and
5 inserting:
6 <2. A third-party administrator, as defined in
7 section 510.11, shall not make available any dentists
8 in its dentist>>
9 2. Page 1, after line 5 by inserting:
10 <____. Page 1, by striking lines 16 and 17 and
11 inserting:
12 <a. "Covered services" means services eligible
13 for reimbursement under the dental plan, including
14 services not otherwise reimbursed because of applicable
15 contractual limitations, including but not limited
16 to balance billing, deductibles, waiting periods,
17 frequency limitations, and maximum annual benefits.>>
18 3. Page 1, after line 15 by inserting:
19 <____. By renumbering as necessary.>

By QUIRK of Chickasaw

H-8490 FILED MARCH 18, 2010

H-8464

1 Amend House File 2459, as passed by the House, as
2 follows:

3 1. Page 3, line 18, after <improvement> by
4 inserting <including but not limited to incentives
5 for participation in a watershed management authority
6 created under this chapter>

7 2. Page 3, after line 20 by inserting:

8 <Sec. _____. NEW SECTION. 466B.11 Watershed
9 demonstration pilot projects.

10 The department of natural resources and the
11 department of agriculture and land stewardship, in
12 collaboration with the United States department of
13 agriculture's natural resources conservation service
14 and the Iowa flood center established pursuant to
15 section 466C.1, and in cooperation with the council,
16 shall seek funding to plan, implement, and monitor
17 one or more watershed demonstration pilot projects
18 for urban and rural areas involving a twelve-digit
19 hydrologic unit code subwatershed as defined by the
20 United States geological survey. The pilot projects
21 shall include features that seek to do all of the
22 following:

23 1. Maximize soil water holding capacity from
24 precipitation.

25 2. Minimize severe scour erosion and sand
26 deposition during floods.

27 3. Manage water runoff in uplands under saturated
28 soil moisture conditions.

29 4. Reduce and mitigate structural and nonstructural
30 flood damage.

31 Sec. _____. NEW SECTION. 466B.21 Definitions.

32 As used in this subchapter, unless the context
33 otherwise requires:

34 1. "Authority" means a watershed management
35 authority created pursuant to a chapter 28E agreement
36 as provided in this subchapter.

37 2. "Board" means a board of directors of a
38 watershed management authority.

39 3. "Political subdivision" means cities, counties,
40 and soil and water conservation districts.

41 Sec. _____. NEW SECTION. 466B.22 Watershed
42 management authorities created.

43 1. Two or more political subdivisions may
44 create, by chapter 28E agreement, a watershed
45 management authority pursuant to this subchapter. The
46 participating political subdivisions must be located
47 in the same United States geological survey hydrologic
48 unit code 8 watershed.

49 2. The chapter 28E agreement shall include a map
50 showing the area and boundaries of the authority.

1 3. A county or a soil and water conservation
2 district may participate in more than one authority
3 created pursuant to this subchapter.

4 4. A political subdivision is not required to
5 participate in a watershed management authority or be a
6 party to a chapter 28E agreement under this subchapter.

7 Sec. _____. NEW SECTION. 466B.23 Duties.

8 A watershed management authority may perform all of
9 the following duties:

10 1. Assess the flood risks in the watershed.

11 2. Assess the water quality in the watershed.

12 3. Assess options for reducing flood risk and
13 improving water quality in the watershed.

14 4. Monitor federal flood risk planning and
15 activities.

16 5. Educate residents of the watershed area
17 regarding water quality and flood risks.

18 6. Allocate moneys made available to the authority
19 for purposes of water quality and flood mitigation.

20 7. Make and enter into contracts and agreements
21 and execute all instruments necessary or incidental
22 to the performance of the duties of the authority.

23 A watershed management authority shall not acquire
24 property by eminent domain.

25 Sec. _____. NEW SECTION. 466B.24 Board of directors.

26 1. An authority shall be governed by a board
27 of directors. Members of a board of directors of
28 an authority shall be divided among the political
29 subdivisions comprising the authority and shall be
30 appointed by the respective political subdivision's
31 elected legislative body.

32 2. Representation on a board and the number of
33 directors comprising a board shall be determined by
34 agreement between the political subdivisions comprising
35 the authority.

36 3. The composition of the board regarding
37 participating cities and counties shall be based on the
38 proportion of the population of each participating city
39 or county to the total population of the participating
40 cities and counties. Each participating soil and water
41 conservation district shall have at least one director
42 on the board. This subsection shall not apply if a
43 chapter 28E agreement under this subchapter provides an
44 alternative board composition method.

45 4. The directors shall serve staggered terms of
46 four years. The initial board shall determine, by
47 lot, the initial terms to be shortened and lengthened,
48 as necessary, to achieve staggered terms. A person
49 appointed to fill a vacancy shall be appointed in
50 the same manner as the original appointment for the

1 duration of the unexpired term. A director is eligible
2 for reappointment. This subsection shall not apply if
3 a chapter 28E agreement under this subchapter provides
4 an alternative for the length of term, appointment, and
5 reappointment of directors.

6 5. A board may provide procedures for the removal
7 of a director who fails to attend three consecutive
8 regular meetings of the board. If a director is
9 so removed, a successor shall be appointed for the
10 duration of the unexpired term of the removed director
11 in the same manner as the original appointment. The
12 appointing body may at any time remove a director
13 appointed by it for misfeasance, nonfeasance, or
14 malfeasance in office.

15 6. A board shall adopt bylaws and shall elect
16 one director as chairperson and one director as vice
17 chairperson, each for a term of two years, and shall
18 appoint a secretary who need not be a director.

19 7. A majority of the membership of a board of
20 directors shall constitute a quorum for the purpose
21 of holding a meeting of the board. The affirmative
22 vote of a majority of a quorum shall be necessary
23 for any action taken by an authority unless the
24 authority's bylaws specify those particular actions of
25 the authority requiring a greater number of affirmative
26 votes. A vacancy in the membership of the board shall
27 not impair the rights of a quorum to exercise all the
28 rights and perform all the duties of the authority.

29 Sec. _____. NEW SECTION. 466B.25 Activities
30 coordination.

31 In all activities of a watershed management
32 authority, the authority shall coordinate and
33 cooperate with the department of natural resources,
34 the department of agriculture and land stewardship,
35 councils of governments, public drinking water
36 utilities, and soil and water conservation districts.>

37 3. Title page, by striking line 1 and inserting <An
38 Act relating to watersheds.>

39 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

HOUSE FILE 2512

H-8475

1 Amend House File 2512 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 321.176A, subsection 1, Code
4 2009, is amended to read as follows:
5 1. a. A farmer or a person working for a farmer
6 while operating a commercial motor vehicle controlled
7 by the farmer within one hundred fifty air miles
8 of the farmer's farm to transport the farmer's own
9 agricultural products, farm machinery, or farm supplies
10 to or from the farm. The exemption provided in this
11 subsection shall apply to farmers who assist each other
12 through an exchange of services and shall include
13 operation of a commercial motor vehicle between the
14 farms of the farmers who are exchanging services.
15 b. In the course of enforcing this section
16 and rules adopted pursuant to this section, the
17 department's peace officers are authorized to inspect
18 and copy records of information reported at the time
19 a vehicle is weighed relating to the owner of the
20 vehicle, the weight of the vehicle, the product hauled,
21 the person on whose behalf the product is hauled, and
22 the intended point of delivery.>
23 2. By renumbering as necessary.

By STRUYK of Pottawattamie

H-8475 FILED MARCH 18, 2010

HOUSE FILE 2512

H-8476

1 Amend House File 2512 as follows:
2 1. Page 1, line 3, by striking <The> and inserting
3 <The Except as provided in subparagraph (3), the>
4 2. Page 2, after line 5 by inserting:
5 <(3) A county board of supervisors with respect
6 to highways under the county's jurisdiction may, by
7 ordinance or resolution, exclude commercial motor
8 vehicles other than livestock and construction vehicles
9 from the weight allowances provided under subparagraph
10 (1).>
11 3. By renumbering as necessary.

By STRUYK of Pottawattamie

H-8476 FILED MARCH 18, 2010

H-8459

1 Amend House File 2526 as follows:
2 1. Page 2, line 21, by striking <\$129,961> and
3 inserting <\$179,964>
4 2. Page 5, line 13, by striking <2,693,467> and
5 inserting <2,710,062>
6 3. Page 6, line 1, by striking <\$171,295> and
7 inserting <\$187,890>
8 4. Page 6, line 17, by striking <3,688,908> and
9 inserting <3,522,313>
10 5. Page 6, line 18, by striking <3.00> and
11 inserting <4.10>
12 6. Page 6, line 23, by striking <\$388,682> and
13 inserting <\$416,682>
14 7. Page 6, line 30, by striking <\$489,085> and
15 inserting <\$489,868>
16 8. Page 7, after line 11 by inserting:
17 <h. Of the funds appropriated in this subsection,
18 \$528,834 shall be used for the center for congenital
19 and inherited disorders central registry under section
20 144.13A, subsection 4, paragraph "a".
21 i. Of the funds appropriated in this subsection,
22 \$149,612 shall be used for the prescription drug
23 donation repository program created in chapter 135M.>
24 9. By striking page 9, line 33, through page 10,
25 line 9, and inserting <to assist in the continued
26 implementation.
27 (2) It is the intent of the general assembly that
28 a board of direct care workers shall be established
29 within the department of public health by July 1, 2014,
30 contingent upon the availability of funds to establish
31 and maintain the board.
32 (3) The direct care worker advisory council shall
33 submit an interim progress report no later than March
34 1, 2011, and a final report no later than March 1,
35 2012, to the governor and the general assembly, that
36 includes but is not limited to all of the following:
37 (a) Documenting the size of the direct care
38 workforce. The report shall provide the best estimates
39 of the size of the direct care workforce in Iowa by
40 identifying what workforce data is currently being
41 collected, who is currently collecting the data, the
42 gaps in existing data, and the collection methods
43 necessary to address such gaps.
44 (b) Identifying the information management system
45 required to facilitate credentialing of direct care
46 workers and estimating the costs of development and
47 maintenance of the system.
48 (c) Reporting the results of any pilot relating
49 to and evaluating the recommendations of the advisory
50 council that address direct care worker training and

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1 curricula.

2 (d) Describing activities relating to developing
3 and delivering an education and outreach campaign to
4 direct care workers and other stakeholders regarding
5 strategies to increase the professionalism of the
6 direct care workforce. The goals of such education
7 and outreach campaign are to bring greater stability
8 to the workforce and meet the needs of direct care
9 workers that exist due to the growth in Iowa's aging
10 and persons with disabilities populations.

11 (e) Making recommendations regarding the functions
12 and composition of the board of direct care workers,
13 the definitions of and categories for credentialing
14 direct care workers, for deeming the experience
15 level of members of the existing workforce to be
16 the equivalent of other credentials, the form
17 of credentialing to be used, the timeframe for
18 credentialing of direct care workers, and the estimated
19 costs of establishing and maintaining board operations
20 and the methods to be used to fund and sustain such
21 operations.

22 (4) The department of public health shall report to
23 the persons designated in this Act for submission of
24 reports regarding use of the funds allocated in this
25 lettered paragraph, on or before January 15, 2011.>

26 10. Page 10, by striking lines 16 through 18 and
27 inserting:

28 <(2) Of the funds appropriated in this subsection,
29 \$63,000 shall be used to provide scholarships or other
30 forms of subsidized direct care worker educational
31 conferences, training, or outreach activities.>

32 11. Page 15, by striking line 20 and inserting <The
33 funds appropriated in this subsection>

34 12. Page 17, line 3, after <13.> by inserting <a.>

35 13. Page 17, by striking lines 16 through 24 and
36 inserting <be used in the following priority order:
37 continuation of the grant addressed in paragraph "b",
38 the family investment program for the fiscal year, and
39 for state child care assistance program payments for
40 individuals enrolled in the family investment program
41 who are employed. The federal funds appropriated
42 in this paragraph "a" shall be expended only after
43 all other funds appropriated in subsection 1 for the
44 assistance under the family investment program under
45 chapter 239B have been expended.

46 b. (1) Of the funds appropriated in paragraph
47 "a", \$200,000 shall be used for continuation of a
48 grant to an Iowa-based nonprofit organization with a
49 history of providing tax preparation assistance to
50 low-income Iowans in order to expand the usage of the

1 earned income tax credit. The purpose of the grant is
2 to supply this assistance to underserved areas of the
3 state. The grant shall be provided to an organization
4 that has existing national foundation support for
5 supplying such assistance that can also secure local
6 charitable match funding.

7 (2) The general assembly supports efforts by the
8 organization receiving funding under this lettered
9 paragraph to create a statewide earned income tax
10 credit and asset-building coalition to achieve both of
11 the following purposes:

12 (a) Expanding the usage of the tax credit through
13 new and enhanced outreach and marketing strategies,
14 as well as identifying new local sites and human and
15 financial resources.

16 (b) Assessing and recommending various strategies
17 for Iowans to develop assets through savings,
18 individual development accounts, financial literacy,
19 antipredatory lending initiatives, informed home
20 ownership, use of various forms of support for work,
21 and microenterprise business development targeted to
22 persons who are self-employed or have fewer than five
23 employees.>

24 14. Page 17, line 25, by striking <b.> and
25 inserting <c.>

26 15. Page 17, by striking lines 29 through 32 and
27 inserting:

28 <d. (1) To the extent other federal funding is not
29 available for summer youth programs administered by
30 the department of workforce development and provided
31 the match requirement is met through the employment
32 programs, in addition to the amount appropriated in
33 paragraph "a", funding is appropriated from the same
34 source and for the same fiscal year addressed in
35 paragraph "a", to the department of human services
36 to be used for summer youth employment programs
37 administered by the department of workforce development
38 for the fiscal year beginning July 1, 2010, in
39 accordance with the requirements of this lettered
40 paragraph.>

41 16. Page 23, line 14, by striking <11,827,414> and
42 inserting <11,877,414>

43 17. Page 30, after line 26 by inserting:

44 <____. The department of human services shall
45 convene a workgroup with the department of inspections
46 and appeals, county central point of coordination
47 administrators, affected service providers, and
48 other appropriate interests in reviewing the various
49 regulatory requirements applicable to providers of
50 mental health and disability services paid under

1 this and other appropriations. The review shall
2 encompass federal, state, and professional requirements
3 applicable to the providers. The workgroup shall
4 identify opportunities for streamlining regulatory
5 requirements, increasing public access to cost,
6 quality, and outcomes information within the system,
7 and increasing compliance with applicable federal
8 health, safety, and accountability provisions. The
9 workgroup shall hold two meetings and submit a report
10 on or before December 15, 2010, to the persons
11 designated by this Act for submission of reports.>

12 18. Page 35, after line 29 by inserting:

13 <Sec. _____. EDUCATIONAL EXPENSES AT
14 INSTITUTIONS. There is appropriated from the
15 general fund of the state to the department of human
16 services for the fiscal year beginning July 1, 2010,
17 and ending June 30, 2011, the following amount, or
18 so much thereof as is necessary, to be used for the
19 purposes designated:

20 For distribution to licensed classroom teachers at
21 institutions under the control of the department of
22 human services based upon the average student yearly
23 enrollment at each institution as determined by the
24 department of human services:

25 \$ 103,950>>

26 19. Page 41, line 27, by striking <\$300,000> and
27 inserting <\$925,306>

28 20. Page 44, line 33, after <services.> by
29 inserting <As part of the review, the department
30 shall consult with stakeholders concerning developing
31 subacute mental health care options at the institutes.>

32 21. Page 50, line 6, by striking <53,107,624> and
33 inserting <53,207,624>

34 22. Page 51, by striking lines 12 through 15 and
35 inserting <the director of the Iowa plan, the executive
36 director of the coalition of family and children's
37 services in Iowa, three remedial services providers
38 designated by the executive director of the coalition,
39 and a>

40 23. Page 53, lines 14 and 15, by striking
41 <independent laboratories,>

42 24. Page 53, after line 18 by inserting:

43 dd. For the fiscal year beginning July 1, 2010,
44 independent laboratories shall be reimbursed using the
45 same methodology in effect on June 30, 2010.

46 25. Page 54, line 1, after <249A.31> by inserting
47 <subject to the rate limitations specified in executive
48 order number 19 issued October 8, 2009>

49 26. Page 54, line 26, by striking <semiannual> and
50 inserting <annual>

1 27. Page 59, by striking line 25 and inserting:
2 <TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
3 QUALITY ASSURANCE TRUST FUND, AND UNDERGROUND STORAGE
4 TANK FUND>

5 28. Page 62, line 7, by striking <To> and inserting
6 <Notwithstanding any provision of law to the contrary,
7 to>

8 29. Page 64, line 6, by striking <college of
9 medicine> and inserting <physicians faculty practice
10 plan>

11 30. Page 66, after line 19 by inserting:
12 <Notwithstanding any provision of law to the
13 contrary, the amount appropriated in this subsection
14 shall be distributed based on claims submitted,
15 adjudicated, and paid by the Iowa Medicaid enterprise.
16 Once the entire amount appropriated in this subsection
17 has been distributed, claims shall continue to
18 be submitted and adjudicated by the Iowa Medicaid
19 enterprise; however, no payment shall be made based
20 upon such claims.>

21 31. Page 68, after line 19 by inserting:
22 <Sec. _____. QUALITY ASSURANCE TRUST FUND --
23 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
24 any provision to the contrary and subject to the
25 availability of funds, there is appropriated from the
26 quality assurance trust fund created in section 249L.4
27 to the department of human services for the fiscal year
28 beginning July 1, 2010, and ending June 30, 2011, the
29 following amounts, or so much thereof as is necessary
30 for the purposes designated:

31 To supplement the appropriation made in this Act
32 from the general fund of the state to the department of
33 human services for medical assistance:

34 \$ 8,500,000

35 1. Funds appropriated in this section shall be used
36 for nursing facility reimbursement under the medical
37 assistance program in accordance with the nursing
38 facility reimbursement provisions of division IV of
39 this Act, to continue application of the administrative
40 rules changes relating to nursing facility
41 reimbursement and payment procedures made pursuant to
42 2010 Iowa Acts, Senate File 2366, if enacted, for the
43 fiscal year beginning July 1, 2010, and ending June
44 30, 2011, and to restore the 5 percent reduction made
45 in nursing facility reimbursement in accordance with
46 executive order number 19 issued October 8, 2009.

47 2. The costs associated with the implementation of
48 this section shall be funded exclusively through moneys
49 appropriated from the quality assurance trust fund,
50 and shall result in budget neutrality to the general

1 fund of the state for the fiscal year beginning July 1,
2 2010, and ending June 30, 2011.

3 Sec. _____. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
4 STORAGE TANK FUND. There is appropriated from the Iowa
5 comprehensive petroleum underground storage tank fund
6 created in section 455G.3 to the following designated
7 departments for the fiscal year beginning July 1, 2010,
8 and ending June 30, 2011, the following amounts, or
9 so much thereof as is necessary, to be used for the
10 purposes designated, notwithstanding section 455G.3,
11 subsection 1:

12 1. To the department of public health for:

13 a. Addictive disorders:

14 \$ 500,000

15 The funds appropriated in this paragraph shall be
16 used for substance abuse treatment and prevention.

17 b. Chronic conditions:

18 \$ 35,000

19 (1) Of the funds appropriated in this paragraph,
20 \$20,000 shall be used for grants to individual patients
21 who have phenylketonuria (PKU) to assist with the costs
22 of necessary special foods.

23 (2) Of the funds appropriated in this paragraph
24 \$15,000 shall be used for child health specialty
25 clinics.

26 c. Public protection:

27 \$ 100,000

28 Of the funds appropriated in this paragraph,
29 \$100,000 shall be used for the state poison control
30 center.

31 2. To the department of human services for:

32 a. Child and family services:

33 \$ 925,000

34 (1) Of the funds appropriated in this paragraph,
35 \$600,000 shall be used for the purposes of juvenile
36 delinquent graduated sanction services.

37 (2) Of the funds appropriated in this paragraph,
38 \$200,000 shall be allocated to a county with a
39 population of more than 300,000 to be used for
40 continuation of a grant to support child care center
41 services provided to children with mental, physical,
42 or emotional challenges in order for the children to
43 remain in a home or family setting.

44 (3) Of the funds appropriated in this paragraph,
45 \$25,000 shall be used for the public purpose of
46 providing a grant to a child welfare services provider
47 headquartered in a county with a population between
48 189,000 and 196,000 in the latest preceding certified
49 federal census that provides multiple services
50 including but not limited to a psychiatric medical

1 institution for children, shelter, residential
2 treatment, after school programs, school-based
3 programming, and an Asperger's syndrome program, to
4 be used for support services for children with autism
5 spectrum disorder and their families.

6 (4) Of the funds appropriated in this section,
7 \$100,000 shall be used for a one-time grant to support
8 startup costs for a child protection center to be
9 operated in a hospital in a county in northeast
10 Iowa with a population between 120,000 and 135,000.
11 Population numbers used in this subsection are from the
12 latest preceding certified federal census.

13 b. Family support subsidy:
14 \$ 100,000

15 The funds appropriated in this paragraph shall be
16 used for the family support center component of the
17 comprehensive family support program under section
18 225C.47.

19 c. Child support recovery:
20 \$ 250,000

21 d. Juvenile institutions:
22 \$ 600,000

23 (1) Of the funds appropriated in this paragraph,
24 \$200,000 shall be used for operation of the Iowa
25 juvenile home at Toledo.

26 (2) Of the funds appropriated in this paragraph,
27 \$400,000 shall be used for operation of the state
28 training school at Eldora.

29 e. Mental health institutes:
30 \$ 350,000

31 (1) Of the funds appropriated in this paragraph,
32 \$100,000 shall be used for the state mental health
33 institute at Cherokee.

34 (2) Of the funds appropriated in this paragraph,
35 \$100,000 shall be used for the state mental health
36 institute at Clarinda.

37 (3) Of the funds appropriated in this paragraph,
38 \$100,000 shall be used for the state mental health
39 institute at Independence.

40 (4) Of the funds appropriated in this paragraph,
41 \$50,000 shall be used for the state mental health
42 institute at Mount Pleasant.

43 f. MI/MR/DD state cases:
44 \$ 1,000,000

45 g. Sexually violent predators:
46 \$ 800,000

47 h. Field operations:
48 \$ 2,340,000>

49 32. Page 72, by striking lines 32 and 33 and
50 inserting <by the department shall be credited to the

1 property tax relief fund and distributed as additional
2 funding for the fiscal year beginning July 1, 2010,
3 in accordance with the formula provisions in this
4 section.>

5 33. Page 73, by striking lines 15 and 16 and
6 inserting <However, for a county that is subject to
7 this subparagraph, the amount withheld>

8 34. Page 77, after line 25 by inserting:

9 <GENERAL FUND ADDICTIVE DISORDERS -- TOBACCO USE
10 PREVENTION AND CONTROL INITIATIVE

11 Sec. _____. 2009 Iowa Acts, chapter 182, section 2,
12 subsection 1, paragraph a, is amended by adding the
13 following new subparagraph:

14 NEW SUBPARAGRAPH. (3) Notwithstanding section
15 8.33, moneys allocated in this paragraph "a" that
16 remain unencumbered or unobligated at the close of the
17 fiscal year shall not revert but shall remain available
18 for expenditure for the purposes designated until the
19 close of the succeeding fiscal year.>

20 35. Page 80, after line 13 by inserting:

21 <HEALTH CARE TRUST FUND ADDICTIVE DISORDERS -- TOBACCO
22 USE PREVENTION AND CONTROL INITIATIVE

23 Sec. _____. 2009 Iowa Acts, chapter 182, section 60,
24 subsection 1, paragraph b, is amended by adding the
25 following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH Notwithstanding section
27 8.33, moneys allocated in this paragraph "b" that
28 remain unencumbered or unobligated at the close of the
29 fiscal year shall not revert but shall remain available
30 for expenditure for the purposes designated until the
31 close of the succeeding fiscal year.

32 ADDICTIVE DISORDERS -- NONREVERSION

33 Sec. _____. ADDICTIVE DISORDERS NONREVERSION
34 DIRECTIVE. The authority provided in this division
35 of this Act for nonreversion of the appropriations
36 for addictive disorders allocated for the tobacco
37 use prevention and control initiative, as referenced
38 in this section, is limited to \$500,000 and shall
39 be realized by applying the authority to such
40 appropriations in the following order until the
41 limitation amount is reached:

42 1. The allocation made from the general fund of
43 the state in 2009 Iowa Acts, chapter 182, section 60,
44 subsection 1, paragraph "b".

45 2. The allocation made from the health care trust
46 fund in 2009 Iowa Acts, chapter 182, section 2,
47 subsection 1, paragraph "a".>

48 36. Page 80, before line 14 by inserting:

49 Sec. _____. 2009 Iowa Acts, chapter 182, section 5A,
50 as enacted by 2010 Iowa Acts, Senate File 2151, section

1 2, is amended by adding the following new subsection:
2 4. a. (1) To the extent other federal funding is
3 not available for summer youth programs administered by
4 the department of workforce development and provided
5 the match requirement is met through the employment
6 programs, in addition to the amount appropriated in
7 subsection 1, funding is appropriated from the same
8 source and for the same fiscal year addressed in
9 subsection 1, to the department of human services to be
10 used for summer youth employment programs administered
11 by the department of workforce development for the
12 fiscal year beginning July 1, 2009, in accordance with
13 the requirements of this lettered paragraph.

14 (2) The department of human services shall
15 collaborate with the department of workforce
16 development to secure additional federal funds from the
17 emergency contingency fund for the temporary assistance
18 for needy families state program established pursuant
19 to the federal American Recovery and Reinvestment Act
20 of 2009, Pub. L. No. 115-5 { 2101. This collaboration
21 shall be for the express limited purpose of securing
22 emergency contingency funds to subsidize wages paid
23 on behalf of individuals participating in the summer
24 youth employment program administered by the department
25 of workforce development. Subsidized wages shall
26 be eligible for reimbursement under the terms of the
27 federal American Recovery and Reinvestment Act of 2009,
28 Pub. L. No. 115-5 { 2101, or successor legislation,
29 which may extend the availability of emergency
30 contingency funds. The collaboration between the two
31 agencies shall be formalized through a memorandum of
32 agreement.

33 (3) Federal funds received as the result of
34 this collaboration shall be transferred to the
35 department of workforce development for the sole
36 purpose of covering the costs of wages paid on behalf
37 of individuals participating in the summer youth
38 employment program administered by the department of
39 workforce development. The department of workforce
40 development shall ensure that all expenditures comply
41 with applicable federal requirements and shall be
42 responsible for the repayment of any funds spent
43 in error and any corresponding penalty as well as
44 taking corrective action to address the error. Funds
45 received in excess of the amount of subsidized wages
46 eligible for reimbursement under the terms of the
47 federal American Recovery and Reinvestment Act of 2009,
48 Pub. L. No. 115-5 { 2101, or successor legislation,
49 which may extend the availability of emergency
50 contingency funds, shall be returned by the department

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1 of workforce development to the federal government
2 following procedures developed by the federal temporary
3 assistance for needy families agency for that purpose.
4 (4) The department of workforce development
5 shall provide the department of human services with
6 the necessary information to support the request
7 for emergency contingency funds and to report the
8 expenditure of these funds once received pursuant to
9 federal reporting requirements. The responsibilities
10 of both agencies shall be specified in the memorandum
11 of agreement.>

12 37. By striking page 103, line 15, through page
13 105, line 1.

14 38. By renumbering as necessary.

By HEDDENS of Story

H-8459 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8461

1 Amend **House File 2526** as follows:

2 1. Page 106, after line 8 by inserting:

3 <Sec. ____ REVIEW OF FACILITIES PROVIDING CARE
4 SERVICES FOR ADULTS. The department on aging, in
5 cooperation with the department of inspections
6 and appeals, may conduct or commission a review of
7 the provision of care services provided to adults
8 in age-restricted facilities, independent living
9 facilities, and other facilities not otherwise subject
10 to state or federal regulation or oversight. For
11 the purposes of the review, care services include
12 but are not limited to assistance with instrumental
13 activities of daily living, personal care services, and
14 health-related services. The department on aging shall
15 submit a report to the general assembly by January 1,
16 2011, regarding its findings and any recommendations
17 for legislation necessary to protect the health,
18 safety, and welfare of adults living in facilities in
19 which such care services are provided. The department
20 may seek funding from any source to defray the costs of
21 fulfilling the duties specified in this section.>

22 2. By renumbering as necessary.

By ISENHART of Dubuque

H-8461 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8463

- 1 Amend House File 2526 as follows:
- 2 1. Page 25, line 4, after <reported> by inserting
- 3 <and verified>
- 4 2. Page 25, after line 14, by inserting:
- 5 <____. Before a medically necessary abortion is
- 6 performed, with the exception of a medically necessary
- 7 abortion described in subsection 1, paragraph "e", as a
- 8 spontaneous abortion, all of the following conditions
- 9 shall be met:
- 10 a. The pregnant woman is referred to a nonprofit
- 11 agency providing a comprehensive range of free services
- 12 including options counseling.
- 13 b. The woman is provided an ultrasound exam.
- 14 c. The woman is provided information that the
- 15 right to life is the paramount and most fundamental
- 16 right of every person, irrespective of age, health,
- 17 function, physical or mental dependency, and this right
- 18 applies to all human beings from the beginning of their
- 19 biological development.>
- 20 3. Page 63, line 2, after <reported> by inserting
- 21 <and verified>
- 22 4. Page 63, after line 12 by inserting:
- 23 <Ob. Before a medically necessary abortion is
- 24 performed, with the exception of a medically necessary
- 25 abortion described in paragraph "a", subparagraph
- 26 (5), as a spontaneous abortion, all of the following
- 27 conditions shall be met:
- 28 (1) The pregnant woman is referred to a nonprofit
- 29 agency providing a comprehensive range of free services
- 30 including options counseling.
- 31 (2) The woman is provided an ultrasound exam.
- 32 (3) The woman is provided information that the
- 33 right to life is the paramount and most fundamental
- 34 right of every person, irrespective of age, health,
- 35 function, physical or mental dependency, and this right
- 36 applies to all human beings from the beginning of their
- 37 biological development.>
- 38 5. By renumbering as necessary.

By ALONS of Sioux

H-8463 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8469

- 1 Amend House File 2526 as follows:
- 2 1. Page 50, after line 26 by inserting:
- 3 <3. The department shall implement standardized
- 4 procedures for determining income eligibility for all
- 5 programs under the purview of the department.>

By SCHULTE of Linn

H-8469 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8470

1 Amend House File 2526 as follows:

2 1. Page 2, after line 24 by inserting:

3 <4. a. The department on aging shall establish and
4 enforce procedures relating to expenditure of state and
5 federal funds by area agencies on aging that require
6 compliance with both state and federal laws, rules, and
7 regulations, including but not limited to all of the
8 following:

9 (1) Requiring that expenditures are incurred only
10 for goods or services received or performed prior to
11 the end of the fiscal period designated for use of the
12 funds.

13 (2) Prohibiting prepayment for goods or services
14 not received or performed prior to the end of the
15 fiscal period designated for use of the funds.

16 (3) Prohibiting the prepayment for goods or
17 services not defined specifically by good or service,
18 time period, or recipient.

19 (4) Prohibiting the establishment of accounts from
20 which future goods or services which are not defined
21 specifically by good or service, time period, or
22 recipient, may be purchased.

23 b. The procedures shall provide that if any funds
24 are expended in a manner that is not in compliance with
25 the procedures and applicable federal and state laws,
26 rules, and regulations, and are subsequently subject
27 to repayment, the area agency on aging expending such
28 funds in contravention of such procedures, laws, rules
29 and regulations, not the state, shall be liable for
30 such repayment.>

By L. MILLER of Scott

H-8470 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8471

1 Amend House File 2526 as follows:

2 1. Page 13, after line 13 by inserting:

3 <c. Within available resources and in conformance
4 with associated state and federal program eligibility
5 requirements, the Iowa veterans home may implement
6 measures to provide financial assistance to or on
7 behalf of veterans or their spouses participating in
8 the community reentry program.>

By SMITH of Marshall

H-8471 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8472

1 Amend the amendment, H-8459, to House File 2526 as
2 follows:

3 1. Page 4, line 31, after <institutes.> by
4 inserting:

5 <In addition, the department shall consider the
6 feasibility of developing treatment facilities of
7 sixteen beds or fewer that would be eligible for
8 federal Medicaid program match; identify provisions
9 to increase the participation of students of medical,
10 dental, psychiatry, psychology, social work, and
11 other health care and behavioral health professions
12 in clinical practice training at the institutions
13 administered by the department; and develop methods for
14 the department and the judicial branch to facilitate
15 regular meetings and other communication between
16 representatives of the criminal justice system,
17 service providers, county central point of coordination
18 administrators, other pertinent state agencies,
19 and other stakeholders to improve the processes for
20 involuntary commitment for chronic substance abuse
21 under chapter 125 and serious mental illness under
22 chapter 229.>

By HEATON of Henry
HEDDENS of Story

H-8472 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8473

1 Amend House File 2526 as follows:

2 1. Page 31, after line 18 by inserting:

3 <The Iowa Medicaid enterprise shall require that
4 in any procurement or reprocurement of a contract to
5 provide program eligibility services, procedures shall
6 be implemented to ensure that eligibility information
7 provided by an applicant or recipient is independently
8 verified or supported by sufficient documentation to
9 prevent an ineligible individual from receiving medical
10 assistance program benefits.>

By SCHULTE of Linn

H-8473 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8474

1 Amend House File 2526 as follows:
2 1. Page 106, after line 8 by inserting:
3 <Sec. _____. SCHOOL READY CHILDREN GRANTS -- HOME
4 VISITATION COMPONENT. This section applies to the
5 school ready children grant program requirement in
6 section 256I.9, subsection 3, paragraph b, as enacted
7 by 2010 Iowa Acts, Senate File 2088, section 286, that
8 at least sixty percent of funding from all sources
9 designated by an early childhood Iowa area board for
10 family support program shall be committed to programs
11 with a home visitation component. For the fiscal year
12 beginning July 1, 2010, upon request from an early
13 childhood Iowa area board, the early childhood Iowa
14 state board may approve a waiver to recognize a program
15 to be equivalent to and be part of the home visitation
16 component if the program provides comparable services
17 in settings other than the home.>
18 2. By renumbering as necessary.

By HEATON of Henry

H-8474 FILED MARCH 18, 2010

HOUSE FILE 2526

H-8477

1 Amend the amendment, H-8459, to House File 2526 as
2 follows:
3 1. Page 2, after line 34 by inserting:
4 <____. Page 17, line 10, by striking <111-5> and
5 inserting <115-5>>
6 2. Page 3, after line 40 by inserting:
7 <____. Page 21, by striking line 1 and inserting
8 <available through Pub. L. No. 111-118, { 1001 for}>
9 3. Page 4, line 41, after <laboratories,> by
10 inserting <rehabilitation agencies,>
11 4. Page 4, line 44, after <laboratories> by
12 inserting <and rehabilitation agencies>
13 5. Page 5, by striking lines 8 through 10 and
14 inserting:
15 <____. By striking page 64, line 6, and inserting
16 distribution to university of Iowa physicians for>
17 6. Page 7, after line 48 by inserting:
18 <____. Page 69, by striking lines 25 through 33.>>
19 7. Page 9, line 20, by striking <115-5> and
20 inserting <111-5>
21 8. Page 9, line 28, by striking <115-5> and
22 inserting <111-5>
23 9. Page 9, line 48, by striking <115-5> and
24 inserting <111-5>

By HEDDENS of Story

H-8477 FILED MARCH 18, 2010

HOUSE FILE 2527

H-8479

- 1 Amend House File 2527 as follows:
- 2 1. Page 11, by striking lines 9 through 18.
- 3 2. By renumbering as necessary.

By SCHULTE of Linn	SCHULTZ of Crawford
HAGENOW of Polk	SODERBERG of Plymouth
COWNIE of Polk	SWEENEY of Hardin
ALONS of Sioux	DRAKE of Cass
DE BOEF of Keokuk	MAREK of Washington
MAY of Dickinson	MERTZ of Kossuth
S. OLSON of Clinton	QUIRK of Chickasaw
L. MILLER of Scott	UPMEYER of Hancock
CHAMBERS of O'Brien	SCHUELLER of Jackson
LUKAN of Dubuque	ZIRKELBACH of Jones
ROBERTS of Carroll	

H-8479 FILED MARCH 18, 2010

HOUSE FILE 2527

H-8480

- 1 Amend House File 2527 as follows:
- 2 1. Page 10, by striking lines 2 through 9.
- 3 2. By renumbering as necessary.

By SWEENEY of Hardin	CHAMBERS of O'Brien
ALONS of Sioux	LUKAN of Dubuque
DE BOEF of Keokuk	ROBERTS of Carroll
MAY of Dickinson	SCHULTZ of Crawford
S. OLSON of Clinton	SODERBERG of Plymouth
L. MILLER of Scott	DRAKE of Cass

H-8480 FILED MARCH 18, 2010

HOUSE FILE 2527

H-8481

1 Amend House File 2527 as follows:

2 1. Page 24, before line 6 by inserting:

3 <DIVISION _____

4 REVENUES FOR SCHOOL AID

5 Sec. _____. NEW SECTION. 421.18 Certification of tax
6 credit savings -- appropriation to property tax equity
7 relief fund.

8 1. The department shall annually calculate the
9 amount of tax credit savings realized from 2010 Iowa
10 Acts, House File 2527, and shall certify that amount to
11 the treasurer of state. For purposes of this section,
12 "tax credit savings" means the amount of revenues
13 actually collected in the most recent fiscal year
14 minus the amount of tax revenues that would have been
15 collected without enactment of 2010 Iowa Acts, House
16 File 2527.

17 2. There is appropriated each fiscal year from the
18 general fund of the state to the property tax equity
19 and relief fund created in section 257.16A an amount
20 equal to the amount certified pursuant to subsection
21 1.>

22 2. Title page, line 3, after <programs> by
23 inserting <, the appropriation of certified tax
24 credit savings for school aid purposes,>

25 3. By renumbering as necessary.

By HELLAND of Polk
WAGNER of Linn

H-8481 FILED MARCH 18, 2010

H-8482

1 Amend House File 2527 as follows:

2 1. By striking page 1, line 1, through page 5, line
3 3, and inserting:

4 <DIVISION I

5 REVIEW AND REAUTHORIZATION OF PROGRAMS

6 Section 1. INTENT AND PURPOSE.

7 1. It is the intent of the general assembly that
8 each tax credit, withholding credit, and revenue
9 division program should effectuate the purposes for
10 which it was enacted and that the cost of such programs
11 should be included more readily in the yearly budgeting
12 process.

13 2. The purposes of this Act are to provide for the
14 regular review of all tax credit, withholding credit,
15 and revenue division programs in order to facilitate
16 the reauthorization of successful programs and to do
17 so at a cost that can be accommodated by the state's
18 annual budget.

19 DIVISION II

20 LEGISLATIVE TAX EXPENDITURE COMMITTEE

21 Sec. 2. Section 2.45, Code Supplement 2009, is
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 5. a. The legislative tax
24 expenditure committee which shall be composed of
25 ten members of the general assembly, consisting of
26 five members from each house, to be appointed by the
27 legislative council. In appointing the five members of
28 each house to the committee, the council shall appoint
29 three members from the majority party and two members
30 from the minority party.

31 b. The legislative tax expenditure committee shall
32 have the powers and duties described in section 2.48.

33 Sec. 3. NEW SECTION. 2.48 Legislative tax
34 expenditure committee -- review of tax incentive
35 programs.

36 1. Duties of committee. The legislative tax
37 expenditure committee shall do all of the following:

38 a. Evaluate any tax expenditure available
39 under Iowa law and assess its equity, simplicity,
40 competitiveness, public purpose, adequacy, and extent
41 of conformance with the original purposes of the
42 legislation that enacted the tax expenditure, as those
43 issues pertain to taxation in Iowa. For purposes of
44 this section, "tax expenditure" means an exclusion
45 from the operation or collection of a tax imposed in
46 this state. Tax expenditures include tax credits,
47 exemptions, deductions, and rebates. Tax expenditures
48 also include sales tax refunds issued pursuant to
49 section 423.3 or section 423.4.

50 b. Establish and maintain a system for making

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1 available to the public information about the amount
2 and effectiveness of tax expenditures, and the extent
3 to which tax expenditures comply with the original
4 intent of the legislation that enacted the tax
5 expenditure.

6 2. Review of tax expenditures -- budget
7 estimates. The legislative tax expenditure committee
8 shall do all of the following:

9 a. Engage in the regular review of the state's tax
10 expenditures.

11 (1) In reviewing tax expenditures, the committee
12 may review any tax expenditure at any time, but
13 shall at a minimum perform the reviews described in
14 subsection 3.

15 (2) For each tax expenditure reviewed, the
16 committee shall submit a report to the legislative
17 council containing the results of the review. The
18 report shall contain a statement of the policy goals
19 of the tax expenditure and a return on investment
20 calculation for the tax expenditure. For purposes of
21 this subparagraph, "return on investment calculation"
22 means analyzing the cost to the state of providing
23 the tax expenditure, analyzing the benefits realized
24 by the state from providing the tax expenditure, and
25 reaching a conclusion as to whether the benefits of
26 the tax expenditure are worth the cost to the state of
27 providing the tax expenditure.

28 (3) The report described in subparagraph (2)
29 may include recommendations for better aligning
30 tax expenditures with the original intent of the
31 legislation that enacted the tax expenditure.

32 b. (1) Estimate for each fiscal year, in
33 conjunction with the legislative services agency
34 and the department of revenue, the cost of each
35 individual tax expenditure and the total cost of all
36 tax expenditures, and by December 15 provide those
37 estimates to the governor for use in the preparation
38 of the budget message under section 8.22 and to the
39 general assembly to be used in the budget process.

40 (2) The estimates provided pursuant to subparagraph
41 (1) may include the committee's recommendations for
42 the imposition of a limitation on a specified tax
43 expenditure, a limitation on the total amount of
44 tax expenditures, or any other recommendation for a
45 specific tax expenditure or the program under which the
46 tax expenditure is provided.

47 3. Schedule of review of all tax expenditures. The
48 committee shall review the following tax expenditures
49 and incentives according to the following schedule:

50 a. In 2011:

1 (1) The high quality jobs program under chapter 15,
2 subchapter II, part 13.
3 (2) The tax credits for increasing research
4 activities available under sections 15.335, 15A.9,
5 422.10, and 422.33.
6 (3) The franchise tax credits available under
7 sections 422.11 and 422.33.
8 (4) The earned income tax credit available under
9 section 422.12B.
10 b. In 2012:
11 (1) The Iowa fund of funds program in chapter 15E,
12 division VII.
13 (2) Property tax revenue divisions for urban
14 renewal areas under section 403.19.
15 (3) The targeted jobs withholding credits available
16 under section 403.19A.
17 (4) Funding of urban renewal projects with
18 increased local sales and services tax revenues under
19 section 423B.10.
20 (5) School tuition organization tax credits under
21 sections 422.11S and 422.33.
22 (6) Tuition and textbook tax credits under section
23 422.12.
24 c. In 2013:
25 (1) The child and dependent care and early
26 childhood development tax credits under section
27 422.12C.
28 (2) The endow Iowa tax credits authorized under
29 section 15E.305.
30 (3) The redevelopment tax credits available under
31 section 15.293A.
32 (4) The disaster recovery housing tax credits
33 available under sections 16.211 and 16.212.
34 (5) The tax credits available for film, television,
35 and video project promotion under section 15.393.
36 d. In 2014:
37 (1) Tax credits for investments in qualifying
38 businesses and community-based seed capital funds under
39 chapter 15E, division V.
40 (2) Historic preservation and cultural and
41 entertainment district tax credits under chapter 404A.
42 (3) Wind energy production tax credits under
43 chapter 476B.
44 (4) Renewable energy tax credits under chapter
45 476C.
46 (5) The ethanol promotion tax credits available
47 under section 422.11N.
48 (6) The E-85 gasoline promotion tax credits
49 available under section 422.110.
50 (7) The biodiesel blended fuel tax credits

1 available under section 422.11P.

2 e. In 2015:

3 (1) The agricultural assets transfer tax credit
4 under section 175.37.

5 (2) The claim of right tax credit under section
6 422.5.

7 (3) The reduction in allocating income to Iowa by S
8 corporation shareholders under section 422.8.

9 (4) The minimum tax credit under sections 422.11B,
10 422.33, and 422.60.

11 (5) The assistive device corporate tax credit under
12 section 422.33.

13 (6) The charitable conservation contribution tax
14 credit under sections 422.11W and 422.33.

15 (7) The motor vehicle fuel tax credit under section
16 422.110.

17 (8) The new jobs tax credits available under
18 section 422.11A.

19 (9) The financial assistance available under the
20 enterprise zones program in chapter 15E, division
21 XVIII.

22 4. A tax expenditure or incentive reviewed pursuant
23 to subsection 3 shall be reviewed again not more than
24 five years after the tax expenditure or incentive was
25 most recently reviewed.>

26 2. Page 5, line 26, by striking <2012> and
27 inserting <2013>

28 3. By renumbering as necessary.

By SANDS of Louisa

H-8466

1 Amend House File 2528 as follows:

2 1. Page 2, after line 7 by inserting:

3 <Sec. _____. Section 690.2, Code 2009, is amended to
4 read as follows:

5 690.2 Finger and palm prints -- photographs -- duty
6 of sheriff and chief of police.

7 The sheriff of every county, and the chief of
8 police of each city regardless of the form of
9 government thereof, shall take the fingerprints of
10 all unidentified dead bodies in their respective
11 jurisdictions and all persons who are taken into
12 custody for the commission of a serious misdemeanor,
13 aggravated misdemeanor, or felony and shall forward
14 such fingerprint records on such forms and in such
15 manner as may be prescribed by the commissioner of
16 public safety, within two working days after the
17 fingerprint records are taken, to the department of
18 public safety and, if appropriate, to the federal
19 bureau of investigation. Fingerprints may be taken of
20 a person who has been arrested for a simple misdemeanor
21 subject to an enhanced penalty for conviction of a
22 second or subsequent offense. In addition to the
23 fingerprints as herein provided, any such officer may
24 also take the photograph and palm prints of any such
25 person and forward them to the department of public
26 safety. If a defendant is convicted by a court of
27 this state of an offense which is a simple misdemeanor
28 subject to an enhanced penalty for conviction of a
29 second or subsequent offense, a serious misdemeanor,
30 an aggravated misdemeanor, or a felony, the court
31 shall determine whether such defendant has previously
32 been fingerprinted in connection with the criminal
33 proceedings leading to the conviction and, if not,
34 shall order that the defendant be fingerprinted and
35 those prints submitted to the department of public
36 safety. The court shall also order that a juvenile
37 adjudicated delinquent for an offense which would be an
38 offense other than a simple misdemeanor if committed
39 by an adult, be fingerprinted and the prints submitted
40 to the department of public safety if the juvenile
41 has not previously been fingerprinted. The taking of
42 fingerprints for a serious misdemeanor offense under
43 chapter 321 or 321A is not required under this section.
44 Fingerprints shall not be taken from an applicant for a
45 permit to carry a weapon pursuant to section 724.10.>

46 2. Page 3, line 8, after <permit.> by inserting
47 <Such permits, including renewal permits and duplicate
48 permits, shall not be issued for a particular weapon
49 and shall not contain information about a particular
50 weapon including the make, model, or serial number of

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1 the weapon or any ammunition used in that weapon.>

2 3. Page 3, line 13, after <law.> by inserting <The
3 department of public safety or the sheriff's office of
4 the county in which an application for a permit was
5 made under this section shall destroy or dispose of all
6 information collected about a particular weapon prior
7 to July 1, 2010.>

8 4. Page 6, line 33, after <chooses.> by inserting
9 <However, the application shall not require and
10 the sheriff shall not take the fingerprints of the
11 applicant.>

12 5. Page 8, after line 11 by inserting:
13 <3. Neither the sheriff nor the commissioner shall
14 require an applicant for a nonprofessional permit to
15 carry weapons, including a renewal permit or duplicate
16 permit, to provide information identifying a particular
17 weapon in the application including the make, model,
18 or serial number of the weapon or any ammunition used
19 in that particular weapon. The department of public
20 safety or the sheriff's office of the county in which
21 an application for a permit was made under this section
22 shall destroy or dispose of all information collected
23 about a particular weapon prior to July 1, 2010.>

24 6. Page 8, line 12, by striking <3.> and inserting
25 <4.>

26 7. By renumbering as necessary.

By WINDSCHITL of Harrison

SENATE FILE 2201

H-8488

1 Amend Senate File 2201, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 29 by inserting:
4 <Sec. _____. Section 505.8, Code Supplement 2009, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 18. The commissioner shall
7 annually convene a work group composed of the consumer
8 advocate, health insurance carriers, health care
9 providers, small employers that purchase health
10 insurance under chapter 513B, and individual consumers
11 in the state for the purpose of considering ways
12 to reduce the cost of providing health insurance
13 coverage and health care services, including but
14 not limited to utilization of uniform billing codes,
15 improvements to provider credentialing procedures,
16 reducing out-of-state care expenses, and the electronic
17 delivery of explanation of benefits statements. The
18 recommendations made by the work group shall be
19 included in the annual report filed with the general
20 assembly pursuant to section 505.18.

21 Sec. _____. Section 505.17, Code 2009, is amended to
22 read as follows:

23 505.17 Confidential information.

24 1. a. Information, records, and documents utilized
25 for the purpose of, or in the course of, investigation,
26 regulation, or examination of an insurance company or
27 insurance holding company, received by the division
28 from some other governmental entity which treats such
29 information, records, and documents as confidential,
30 are confidential and shall not be disclosed by the
31 division and are not subject to subpoena. Such
32 information, records, and documents do not constitute a
33 public record under chapter 22.

34 b. The disclosure of confidential information,
35 administrative or judicial orders which contain
36 confidential information, or information regarding
37 other action of the division which is not a public
38 record subject to disclosure, to other insurance and
39 financial regulatory officials may be permitted by
40 the commissioner provided that those officials are
41 subject to, or agree to comply with, standards of
42 confidentiality comparable to those imposed on the
43 commissioner.

44 2. Notwithstanding subsection 1, an application for
45 a rate increase filed by a health insurance carrier and
46 all information, records, and documents accompanying
47 such an application or utilized for the purpose of,
48 or in the course of consideration of the application
49 by the commissioner, shall constitute a public record
50 under chapter 22 except as provided in this subsection.

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1 a. The commissioner shall consider the written
2 request of a health insurance carrier to keep
3 confidential certain details of an application or
4 accompanying information, records, and documents. If
5 the request includes a sufficient explanation as to why
6 public disclosure of such details would give an unfair
7 advantage to competitors, the commissioner shall keep
8 such details confidential. If the commissioner elects
9 to keep certain details confidential, the commissioner
10 shall release only the nonconfidential details in
11 response to a request for records made pursuant to
12 chapter 22. If confidential details are withheld from
13 a request for records made pursuant to chapter 22, the
14 commissioner shall release an explanation of why the
15 information was deemed confidential and a summary of
16 the nature of the information withheld and the reasons
17 for withholding the information.

18 b. In considering requests for confidential
19 treatment, the commissioner shall narrowly construe the
20 provisions of this subsection in order to appropriately
21 balance an applicant's need for confidentiality
22 against the public's right to information about the
23 application.

24 c. The commissioner shall adopt rules establishing
25 a process relating to requests to keep information
26 confidential pursuant to this subsection which may
27 include but are not limited to the following:

28 (1) The nature and extent of competition in the
29 applicant's industry sector or service territory.

30 (2) The likelihood of adverse financial impact to
31 the applicant if the information were to be released.

32 (3) Any other factor the commissioner reasonably
33 considers relevant.

34 Sec. _____. NEW SECTION. 505.18 Internet consumer
35 guide -- annual report.

36 1. Consumers deserve to know the quality and cost
37 of their health care insurance. Health care insurance
38 transparency provides consumers with the information
39 necessary, and the incentive, to choose health plans
40 based on cost and quality. Reliable cost and quality
41 information about health care insurance empowers
42 consumer choice and consumer choice creates incentives
43 at all levels, and motivates the entire health care
44 delivery system to provide better health care and
45 health care benefits at a lower cost. It is the
46 purpose of this section to make information regarding
47 the costs of health care insurance readily available to
48 consumers through the consumer advocate bureau of the
49 insurance division.

50 2. The consumer advocate shall implement and

1 maintain a consumer guide on the internet site of
2 the insurance division that is easily accessible and
3 available to consumers regarding each health insurance
4 carrier licensed to do business in the state. The
5 information shall be useful to consumers and purchasers
6 of health insurance and shall include but is not
7 limited to information regarding health insurance plan
8 design, premium rate filings and approvals, health care
9 cost information, and any other state-based information
10 the consumer advocate determines may be beneficial to
11 consumers and purchasers of health insurance. The
12 consumer advocate may contract with outside vendors or
13 entities to assist in providing this information.

14 3. The commissioner in collaboration with the
15 consumer advocate shall prepare and deliver a report
16 to the governor and to the general assembly no later
17 than November 15 of each year that provides findings
18 regarding health spending costs for health insurance
19 plans in the state for the previous fiscal year.
20 The commissioner may contract with outside vendors
21 or entities to assist in providing the information
22 contained in the annual report. The report shall
23 provide, at a minimum, the following information:

24 a. Aggregate health insurance data concerning loss
25 ratios of health insurance carriers licensed to do
26 business in the state.

27 b. Rate increase data.

28 c. Health care expenditures in the state and the
29 effect of such expenditures on health insurance premium
30 rates.

31 d. A ranking and quantification of those factors
32 that result in higher costs and those factors that
33 result in lower costs for each health insurance plan
34 offered in the state.

35 e. The current capital and surplus and reserve
36 amounts held in reserve by each health insurance
37 carrier licensed to do business in the state including
38 whether these funds are available to offset premium
39 increases and the reasons for such availability or
40 unavailability.

41 f. A listing of any apparent medical trends
42 affecting health insurance costs in the state.

43 g. Any additional data or analysis deemed
44 appropriate by the commissioner to provide the
45 general assembly with pertinent health insurance cost
46 information.

47 h. Recommendations made by the work group convened
48 pursuant to section 505.8, subsection 18.

49 Sec. _____. NEW SECTION. 505.19 Health insurance
50 rate increase applications -- public hearing and

1 comment.

2 1. All health insurance carriers licensed to
3 do business in the state shall immediately notify
4 policyholders of any application for a rate increase
5 that is filed with the insurance division. Such
6 notice shall specify the rate increase proposed that
7 is applicable to each policyholder and shall include
8 the ranking and quantification of those factors that
9 are responsible for the amount of the rate increase
10 proposed. The notice shall include information about
11 how the policy holder can contact the consumer advocate
12 for assistance.

13 2. The commissioner shall hold a public hearing at
14 the time a carrier files for proposed health insurance
15 rate increases prior to approval or disapproval of
16 the proposed rate increases for that carrier by the
17 commissioner.

18 3. The consumer advocate shall solicit public
19 comments on each proposed health insurance rate
20 increase application and shall post without delay all
21 comments received on the insurance division's internet
22 site prior to approval or disapproval of the proposed
23 rate increase by the commissioner.

24 4. The consumer advocate shall present the public
25 testimony and comments received for consideration by
26 the commissioner in determining whether to approve
27 or disapprove such health insurance rate increase
28 proposals.

29 5. The commissioner shall adopt rules pursuant
30 to chapter 17A to implement the provisions of this
31 section.>

32 2. Page 18, after line 31 by inserting:

33 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
34 provisions of this Act, being deemed of immediate
35 importance, take effect upon enactment:

36 1. The section of this Act enacting section 505.8,
37 subsection 18.

38 2. The section of this Act amending section 505.17.

39 3. The sections of this Act enacting sections
40 505.18 and 505.19.>

41 3. Title page, line 4, after <Act> by inserting <a
42 health care and insurance cost work group, applications
43 for health insurance rate increases, an internet
44 consumer guide,>

45 4. Title page, line 9, after <applicable> by
46 inserting <and including effective date provisions>

47 5. By renumbering as necessary.

By PETERSEN of Polk

SENATE FILE 2215

H-8495

1 Amend Senate File 2215, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 507B.4, Code 2009, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 7A. Release or use of genetic
7 information. Failure of a person to comply with
8 section 729.6, subsection 2B.>
9 2. Page 1, by striking lines 3 through 5 and
10 inserting:
11 <NEW PARAGRAPH. Ob. "Genetic information" means the
12 same as defined in 29 U.S.C. { 1191b(d)(6).>
13 3. Page 1, by striking lines 9 through 24 and
14 inserting:
15 <c. "Genetic testing" means the same as genetic test
16 as defined in 29 U.S.C. { 1191b(d)(7).
17 Sec. _____. Section 729.6, subsection 1, Code 2009,
18 is amended by adding the following new paragraphs:
19 NEW PARAGRAPH. Od. "Health insurance" means
20 a contract, policy, or plan providing for health
21 insurance coverage as defined in section 513B.2.
22 NEW PARAGRAPH. OOd. "Health insurer" means a
23 carrier, as defined in section 513B.2.
24 NEW PARAGRAPH. Of. "Third-party administrator"
25 means the same as defined in section 510.11.>
26 4. Page 2, by striking lines 15 and 16 and
27 inserting:
28 <NEW SUBSECTION. 2B. a. (1) With respect to
29 health insurance, a third-party administrator or health
30 insurer shall not release genetic>
31 5. Page 2, line 32, by striking <An insurer> and
32 inserting <With respect to health insurance, a health
33 insurer>
34 6. Page 3, by striking line 2 and inserting <the
35 terms of the health insurer's plan or coverage. With
36 respect to health insurance, a health insurer>
37 7. Page 3, line 7, by striking <An insurer> and
38 inserting <With respect to health insurance, a health
39 insurer>
40 8. Page 3, after line 9 by inserting:
41 <c. The commissioner of insurance shall adopt rules
42 as necessary for the administration of this subsection.
43 d. A violation of this subsection is an unfair
44 insurance trade practice under section 507B.4.>
45 9. Page 3, line 12, by striking <This> and
46 inserting <This Subsections 2, 2A, 3, 4, and 5 of this>
47 10. Page 3, line 13, after <violates> by inserting
48 <subsection 2, 2A, 3, 4, or 5 of>
49 11. Page 3, line 14, after <of> by inserting
50 <subsection 2, 2A, 3, 4, or 5 of>

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Page 2

- 1 12. Page 3, line 15, by striking <insured,>
- 2 13. Page 3, line 16, by striking <insured,>
- 3 14. Page 3, line 22, after <of> by inserting
- 4 <subsection 2, 2A, 3, 4, or 5 of>
- 5 15. Page 3, line 25, by striking <insured,>
- 6 16. Page 3, line 27, by striking <insured,>
- 7 17. By striking page 3, line 31, through page 4,
- 8 line 3, and inserting <organization, or licensing
- 9 agency has ~~required or requested a genetic test in~~
- 10 ~~violation of~~ violated subsection 2, 2A, 3, 4, or 5 of
- 11 this section shall establish that sufficient evidence
- 12 exists upon>
- 13 18. Page 4, lines 8 and 9, by striking <insurance
- 14 administrator, health plan, health insurer,>
- 15 19. Title page, line 2, by striking <enforcement>
- 16 and inserting <and administrative enforcement and
- 17 providing penalties>
- 18 20. By renumbering as necessary.

By RUNNING-MARQUARDT of Linn
SODERBERG of Plymouth

SENATE FILE 2250

H-8468

1 Amend Senate File 2250, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 711.5 Robbery --
6 application.

7 This chapter does not apply if section 714.3A
8 applies.

9 Sec. 2. NEW SECTION. 714.3A Aggravated theft.

10 1. A person commits aggravated theft when the
11 person commits an assault as defined in section 708.1,
12 subsection 1, that is punishable as a simple
13 misdemeanor under section 708.2, subsection 6, after
14 the person has removed or attempted to remove property
15 not exceeding two hundred dollars in value which
16 has not been purchased from a store or mercantile
17 establishment, or has concealed such property of
18 the store or mercantile establishment, either on
19 the premises or outside the premises of the store or
20 mercantile establishment.

21 2. a. A person who commits aggravated theft is
22 guilty of an aggravated misdemeanor.

23 b. A person who commits aggravated theft, and who
24 has previously been convicted of an aggravated theft,
25 robbery in the first degree in violation of section
26 711.2, robbery in the second degree in violation of
27 section 711.3, or extortion in violation of section
28 711.4, is guilty of a class "D" felony.

29 3. In determining if a violation is a class "D"
30 felony offense the following shall apply:

31 a. A deferred judgment entered pursuant to section
32 907.3 for a violation of any offense specified in
33 subsection 2 shall be counted as a previous offense.

34 b. A conviction or the equivalent of a deferred
35 judgment for a violation in any other states under
36 statutes substantially corresponding to an offense
37 specified in subsection 2 shall be counted as a
38 previous offense. The courts shall judicially notice
39 the statutes of other states which define offenses
40 substantially equivalent to the offenses specified
41 in this section and can therefore be considered
42 corresponding statutes.

43 4. Aggravated theft is not an included offense of
44 robbery in the first or second degree.

45 Sec. 3. Section 808.12, subsections 1 and 3, Code
46 2009, are amended to read as follows:

47 1. Persons concealing property as set forth
48 in section 714.3A or 714.5, may be detained and
49 searched by a peace officer, person employed in a
50 facility containing library materials, merchant, or

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1 merchant's employee, provided that the detention is
2 for a reasonable length of time and that the search is
3 conducted in a reasonable manner by a person of the
4 same sex and according to subsection 2 of this section.

5 3. The detention or search under this section by a
6 peace officer, person employed in a facility containing
7 library materials, merchant, or merchant's employee
8 does not render the person liable, in a criminal or
9 civil action, for false arrest or false imprisonment
10 provided the person conducting the search or detention
11 had reasonable grounds to believe the person detained
12 or searched had concealed or was attempting to conceal
13 property as set forth in section 714.3A or 714.5.>

14 2. Title page, lines 1 and 2, by striking <robbery
15 in the third degree> and inserting <aggravated theft>

By R. OLSON of Polk

H-8468 FILED MARCH 18, 2010

SENATE FILE 2270

H-8465

1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 4, line
4 25, and inserting:

5 <<Section 1. NEW SECTION. 135.30B Expressing
6 breast milk -- private and public places.

7 Notwithstanding any other provision of law to the
8 contrary, a woman may express breast milk for the
9 woman's own child in any public or private place where
10 the woman's presence is otherwise authorized.>

11 _____. Title page, by striking lines 1 through 2 and
12 inserting: <An Act relating to expressing breast milk
13 in public and private places.>>

By TYMESON of Madison

H-8465 FILED MARCH 18, 2010

H-8487

1 Amend the amendment, H-8443, to Senate File 2270, as
2 passed by the Senate, as follows:

3 1. By striking page 1, line 5, through page 4, line
4 25, and inserting:

5 <<Section 1. NEW SECTION. 135.30B Short title.

6 This section and sections 135.30C through 135.30F
7 shall be known and may be cited as the "Family Friendly
8 Workplace Act".

9 Sec. 2. NEW SECTION. 135.30C Definitions.

10 1. "Employer" means a person engaged in a business
11 that has one or more employees and also includes the
12 state of Iowa, a department or agency thereof, and any
13 political subdivision of the state.

14 2. "Reasonable efforts" means any effort that would
15 not impose an undue hardship on the operation of the
16 employer's business.

17 3. "Undue hardship" means any action that requires
18 significant difficulty, compromises the safety of other
19 employees, requires temporary facility closure, or
20 results in expenditures exceeding five hundred dollars,
21 exclusive of the costs of additional labor or unpaid
22 leave costs.

23 Sec. 3. NEW SECTION. 135.30D Right to express
24 breast milk in workplace -- private location.

25 1. An employer shall provide reasonable unpaid
26 break time or permit an employee to use paid break
27 time, meal time, or both, each day, to allow the
28 employee to express breast milk for the employee's
29 nursing child for up to two years after the child's
30 birth.

31 2. The employer shall make reasonable efforts
32 to provide a place, other than a toilet stall, which
33 is shielded from view and free from intrusion from
34 coworkers and the public, that may be used by an
35 employee to express breast milk in privacy.

36 3. The department shall provide on its internet
37 site information and links to other internet sites
38 where employers can access information regarding
39 methods to accommodate employees who express breast
40 milk in the workplace. The department shall consult
41 with appropriate organizations or associations to
42 determine the appropriate information and internet site
43 links so as to provide employers with the most accurate
44 and useful information available.

45 4. a. An employee shall provide notice to an
46 employer of the employee's need for time and a location
47 to express breast milk at least sixty days prior to the
48 anticipated date that the employee will give birth.

49 b. If an employee gives birth more than sixty days
50 prior to the employee's anticipated date of delivery,

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1 or the employee is hired while breast-feeding, the
2 employee shall notify the employer within a reasonable
3 time about the employee's need for time and a location
4 to express breast milk.

5 5. a. At least thirty days prior to the
6 anticipated date that the employee will give birth,
7 the employer and employee shall establish a written
8 agreement pursuant to the provisions in this section.
9 The agreement shall be signed by the employer or
10 the employer's designee and the employee and shall
11 be notarized by a third party, who may be another
12 employee of the employer. A copy of the agreement
13 shall be given to the employee and a copy placed in the
14 employee's personnel file.

15 b. If an employee gives birth more than thirty days
16 prior to the employee's anticipated date of delivery,
17 or the employee is hired while breast-feeding, the
18 employer and employee shall establish a written
19 agreement pursuant to the provisions of this section
20 as soon as practicable. The agreement shall be signed
21 by the employer or the employer's designee and the
22 employee and shall be notarized by a third party, who
23 may be another employee of the employer. A copy of the
24 agreement shall be given to the employee and a copy
25 placed in the employee's personnel file.

26 c. If an employer and employee are unable to agree
27 on the amount of time, the location, or both for the
28 employee to express breast milk, the employee may file
29 a written or electronic complaint using a form provided
30 by the department on its internet site.

31 Sec. 4. NEW SECTION. 135.30E Employment
32 accommodation -- expressing breast milk.

33 1. It shall be the responsibility of the director
34 or the director's designee to investigate and
35 issue civil penalties and remedies, relating to the
36 provisions of section 135.30D pertaining to the right
37 of an employee to express breast milk in the workplace,
38 as appropriate pursuant to section 135.30F.

39 2. The director or the director's designee shall
40 develop a complaint form to be available on the
41 department's internet site that pertains to the right
42 of an employee to express breast milk in the workplace,
43 pursuant to section 135.30D.

44 Sec. 5. NEW SECTION. 135.30F Investigation and
45 hearing -- expressing breast milk in the workplace.

46 1. Upon receipt by the director or the director's
47 designee of a completed and signed complaint form from
48 an aggrieved employee pursuant to section 135.30E, the
49 director shall authorize an investigator to commence
50 an investigation within five days of receiving the

1 complaint. The department's investigation is not to
2 be construed as a contested case as defined in section
3 17A.2.

4 2. The investigator shall provide notice in writing
5 using regular or electronic mail to the employer of
6 the allegations contained in the complaint and shall
7 request a response from the employer within ten days
8 from the date of notice. This period may be extended
9 by the investigator.

10 3. If the employer fails to respond to the
11 investigator's request for response within the
12 established time, the investigator may determine the
13 employee's claim to be enforceable.

14 4. If the employer answers the investigator's
15 request for response within the established time,
16 the investigator shall notify the aggrieved employee
17 in writing using regular or electronic mail of
18 the employer's response and afford the employee an
19 opportunity to present additional information in
20 support of the employee's complaint pursuant to section
21 135.30D. The employee shall submit the requested
22 additional information within ten days from the
23 date of notice. This period may be extended by the
24 investigator.

25 5. Upon receipt of the requested additional
26 information from the employee, the investigator may
27 determine additional information is required from the
28 employer and shall provide notice in writing using
29 regular or electronic mail to the employer of the
30 request and require a response within ten days from the
31 date of notice.

32 6. The department and its staff shall not disclose
33 the filing of a complaint or the information gathered
34 during the investigation, unless such disclosure
35 is made in connection with the conduct of such
36 investigation.

37 7. a. Within five days upon receipt of all
38 requested information, the investigator may determine
39 the employee's complaint to be enforceable and the
40 department shall notify the employer in writing using
41 regular or electronic mail of that determination.
42 Should the investigator determine that the complaint
43 is unenforceable, the department shall so notify the
44 employee in writing using regular or electronic mail.
45 The determination constitutes final agency action.

46 b. Upon determination that a complaint pursuant
47 to section 135.30D is enforceable, the department
48 shall notify the employer in writing using regular or
49 electronic mail of that determination and afford the
50 employer an opportunity to comply with the provisions

1 of section 135.30D within ten days of the date of
2 notice prior to initiating judicial proceedings.
3 c. After the employer has received notice of the
4 decision and the ten-day compliance period has expired,
5 the department may also impose a minimum civil penalty
6 of one hundred dollars and a maximum civil penalty of
7 five hundred dollars for each day that the respondent
8 was not in compliance with section 135.30D and each day
9 the respondent remains out of compliance with section
10 135.30D as ordered by the department. The maximum
11 civil penalty shall be assessed only if the department
12 determines that the respondent has been found in
13 violation of section 135.30D, subsections 1 and 2. The
14 aggregate civil penalty assessed shall not exceed five
15 thousand dollars. Civil penalties collected pursuant
16 to this paragraph shall be deposited in the general
17 fund of the state.

18 8. The department shall establish rules to govern,
19 expedite, and effectuate the procedures established by
20 this section and its own actions thereunder.>

21 _____. Title page, line 2, after <milk> by inserting
22 <, and providing penalties and remedies>>

By TYMESON of Madison

H-8487 FILED MARCH 18, 2010

SENATE FILE 2270

H-8496

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 135.30B Expressing breast
6 milk -- workplace policy.

7 An employer shall establish a policy relating to
8 employees expressing breast milk while at work.>

9 2. Title page, line 1, by striking <relating to
10 workplace accommodations for> and inserting <requiring
11 employers to establish policies relating to>

12 3. Title page, line 2, after <milk> by inserting
13 <at work>

By UPMEYER of Hancock

H-8496 FILED MARCH 18, 2010

SENATE FILE 2274

H-8457

1 Amend the House amendment, S-5236, to Senate File
2 2274, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 3 through 5 and
5 inserting:
6 <____. Page 1, by striking line 17 and inserting:
7 <(ii) Is domiciled in this state, or has resided in
8 this state for at least one>
9 _____. Page 3, by striking line 2 and inserting:
10 <(ii) Is domiciled in this state, or has resided in
11 this state for at least one>>
12 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8457 FILED MARCH 18, 2010

H-8494

1 Amend Senate File 2354, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, line 22, by striking <publicly traded>
4 2. Page 4, line 1, by striking <one hundred> and
5 inserting <one hundred seven hundred fifty>
6 3. Page 4, by striking lines 17 through 21 and
7 inserting <statement.>
8 4. Page 4, line 32, after <certification> by
9 inserting <by an officer of the corporation>
10 5. Page 5, line 7, after <retained> by inserting
11 <within the prior six months>
12 6. By striking page 5, line 31, through page 6,
13 line 1, and inserting:
14 <b. (1) Except as set out in subsection 2,
15 published material designed to expressly advocate the
16 nomination, election, or defeat of a candidate for
17 public office or the passage or defeat of a ballot
18 issue shall include on the published material an
19 attribution statement disclosing who is responsible for
20 the published material.
21 (2) The person who is responsible for the published
22 material has the sole responsibility and liability for
23 the attribution statement required by this section.>
24 7. Page 6, by striking lines 29 and 30 and
25 inserting:
26 <a. The editorials or news articles of a
27 newspaper, ~~or~~ magazine, television station, or other
28 print or electronic media that are not paid political
29 advertisements.>
30 8. Page 7, line 31, after <officers,> by inserting
31 <professional employees,>
32 9. Page 8, by striking lines 20 through 30 and
33 inserting:
34 <____. a. The prohibitions in subsections 1 and 2
35 shall not apply to media organizations when discussing
36 candidates, nominations, public officers, or public
37 questions.
38 b. Notwithstanding paragraph "a", the board shall
39 adopt rules requiring the owner, publisher, or editor
40 of a sham newspaper that promotes in any way the
41 candidacy of a person for any public office to comply
42 with this section and section 68A.404. As used in
43 this subsection, "sham newspaper" means a newspaper
44 publication that is published for the primary purpose
45 of evading the requirements of this section or section
46 68A.404, and "owner" means a person having an ownership
47 interest exceeding ten percent of the equity or profits
48 of the publication.>
49 10. Page 9, by striking lines 4 through 8.
50 11. By renumbering and correcting internal

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Page 2

1 references as necessary.

By COHOON of Des Moines

H-8494 FILED MARCH 18, 2010

H-8458

1 Amend Senate File 2367, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION _____

5 REVENUE COLLECTIONS BY COUNTY TREASURERS

6 Sec. _____. Section 321.40, subsection 6, Code

7 Supplement 2009, is amended to read as follows:

8 6. a. The department or the county treasurer
9 shall refuse to renew the registration of a vehicle
10 registered to the applicant if the department or
11 the county treasurer knows that the applicant has a
12 delinquent account, charge, fee, loan, taxes, or other
13 indebtedness owed to or being collected by the state,
14 from information provided pursuant to sections 8A.504
15 and 421.17. An applicant may contest this action by
16 requesting a contested case proceeding from the agency
17 that referred the debt for collection pursuant to
18 section 8A.504. The department of revenue and the
19 department of transportation shall notify the county
20 treasurers through the distributed teleprocessing
21 network of persons who owe such a charge, fee, loan,
22 taxes, or other indebtedness.

23 b. The county treasurer of the county of the
24 person's residence and in which the person's vehicle
25 is registered, in cooperation with the department
26 of revenue, may collect delinquent taxes including
27 penalties and interest owed to the state from a person
28 applying for renewal of a vehicle registration. The
29 applicant may remit full payment of the taxes including
30 applicable penalties and interest, along with a
31 processing fee of five dollars, to the county treasurer
32 at the time of registration renewal. Upon full payment
33 of the required taxes including applicable penalties
34 and interest, the processing fee, and the vehicle
35 registration fee, the county treasurer shall issue
36 the registration to the person. A county treasurer
37 collecting on behalf of the department of revenue shall
38 update the vehicle registration records through the
39 distributed teleprocessing network on a daily basis
40 for all persons who have paid taxes pursuant to this
41 subsection. A county treasurer shall forward all
42 funds collected for the department of revenue to the
43 department of revenue.

44 Sec. _____. Section 321.152, Code 2009, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 2A. a. Except as provided in
47 paragraph "b", the five dollar processing fee charged
48 by a county treasurer for collection of tax debt
49 owed to the department of revenue pursuant to section
50 321.40, subsection 6, shall be retained for deposit in

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1 the county general fund.

2 b. From each five dollar processing fee charged
3 by a county treasurer pursuant to section 321.40,
4 subsection 6, the county treasurer shall retain
5 two dollars and fifty cents and shall forward the
6 remaining two dollars and fifty cents to the treasurer
7 of state to be used to reimburse the department
8 of transportation for actual costs incurred by the
9 department to implement provisions relating to the
10 collection of tax debt by the county treasurers
11 as provided in section 321.40, subsection 6. The
12 department shall certify its costs to the treasurer of
13 state for approval and payment. The treasurer of state
14 shall notify the county treasurers and the department
15 when the department's costs have been paid in full.
16 Upon such notification, the county treasurers shall
17 retain processing fees as provided in paragraph "a".

18 Sec. _____. Section 321.153, Code 2009, is amended to
19 read as follows:

20 321.153 Treasurer's report to department.

21 1. The county treasurer on the tenth day of each
22 month shall certify to the department a full and
23 complete statement of all fees and penalties received
24 by the county treasurer during the preceding calendar
25 month and shall remit all moneys not retained for
26 deposit under section 321.152 to the treasurer of
27 state.

28 2. The distributed teleprocessing network shall be
29 used in the collection, receipting, accounting, and
30 reporting of any fee collected through the registration
31 renewal or title process, with sufficient time and
32 financial resources provided for implementation.

33 3. This section does not apply to fees collected
34 or retained by a county treasurer pursuant to
35 participation in county issuance of driver's licenses
36 under chapter 321M.

37 4. This section does not apply to processing fees
38 charged by a county treasurer for the collection of
39 tax debt owed to the department of revenue pursuant to
40 section 321.40.

41 Sec. _____. Section 421.17, subsection 27, Code 2009,
42 is amended by adding the following new paragraph:

43 NEW PARAGRAPH. k. A county treasurer may collect
44 delinquent taxes, including penalties and interest,
45 administered by the department in conjunction with
46 renewal of a vehicle registration as provided in
47 section 321.40, subsection 6, paragraph "b", and rules
48 adopted pursuant to this paragraph. County treasurers
49 shall be given access to information required for the
50 collection of delinquent taxes, including penalties

1 and interest, as necessary to accomplish the purposes
2 of section 321.40, subsection 6, paragraph "b". The
3 confidentiality provisions of sections 422.20 and
4 422.72 do not apply to information provided to a
5 county treasurer pursuant to this paragraph. A county
6 treasurer collecting taxes, penalties, and interest
7 administered by the department is subject to the
8 requirements and penalties of the confidentiality
9 laws of this state regarding tax or indebtedness
10 information. The director shall adopt rules to
11 implement the collection of tax debt as authorized in
12 section 321.40 and this paragraph.

13 Sec. _____. Section 422.20, subsection 3, paragraph
14 a, Code 2009, is amended to read as follows:

15 a. Unless otherwise expressly permitted by
16 section 8A.504, section 421.17, subsections 22, 23,
17 and 26, ~~sections~~ and subsection 27, paragraph "k",
18 section 252B.9, section 321.40, subsection 6, paragraph
19 "b", sections 321.120, 421.19, 421.28, 422.72, and
20 452A.63, and this section, a tax return, return
21 information, or investigative or audit information
22 shall not be divulged to any person or entity,
23 other than the taxpayer, the department, or internal
24 revenue service for use in a matter unrelated to tax
25 administration.

26 Sec. _____. Section 422.72, subsection 3, paragraph
27 a, Code 2009, is amended to read as follows:

28 a. Unless otherwise expressly permitted by
29 section 8A.504, section 421.17, subsections 22, 23,
30 and 26, ~~sections~~ and subsection 27, paragraph "k",
31 section 252B.9, section 321.40, subsection 6, paragraph
32 "b", sections 321.120, 421.19, 421.28, 422.20, and
33 452A.63, and this section, a tax return, return
34 information, or investigative or audit information
35 shall not be divulged to any person or entity,
36 other than the taxpayer, the department, or internal
37 revenue service for use in a matter unrelated to tax
38 administration.

39 Sec. _____. INTENT -- COLLECTION OF COURT DEBT BY
40 COUNTY TREASURERS -- STUDY.

41 1. It is the intent of the general assembly to
42 implement the collection of court debt on behalf of the
43 clerk of the district court at the time a person renews
44 a motor vehicle registration beginning July 1, 2011.

45 2. The state court administrator, or the state
46 court administrator's designee, in cooperation with
47 the Iowa state county treasurers association shall
48 develop a plan to allow county treasurers to collect
49 restitution and delinquent court debt on behalf of
50 the clerk of the district court at the time a person

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1 appears before the county treasurer to renew a vehicle
2 registration. The state court administrator shall
3 submit a report of the plan to the general assembly on
4 or before December 1, 2010.

5 Sec. _____. EFFECTIVE DATE. The sections of this
6 division of this Act amending sections 321.40, 321.152,
7 321.153, 421.17, 422.20, and 422.72 take effect January
8 1, 2011.>

9 2. By renumbering as necessary.

By GASKILL of Wapello

H-8458 FILED MARCH 18, 2010

SENATE FILE 2367

H-8467

1 Amend **Senate File 2367**, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION _____

5 PUBLIC FINANCING OF ELECTIONS STUDY

6 Sec. _____. STUDY -- PUBLIC FINANCING OF ELECTIONS
7 IN IOWA. The executive director of the ethics and
8 campaign disclosure board, in consultation with the
9 board, shall do all of the following:

10 1. Study the level of public and other stakeholder
11 support for public financing of state and local
12 elections in Iowa.

13 2. Investigate and report on the implementation of
14 public financing in other jurisdictions.

15 3. Make recommendations to the general assembly
16 and the governor regarding the feasibility of public
17 financing.

18 4. If feasible, recommend appropriate legislation.>

19 2. By renumbering as necessary.

By KUHN of Floyd

H-8467 FILED MARCH 18, 2010

H-8491

1 Amend Senate File 2367, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 26, after line 17 by inserting:

4 <DIVISION _____

5 PARI-MUTUEL DOG RACETRACKS

6 Sec. _____. NEW SECTION. 99D.9A Alternative dog
7 racetrack licensure -- annual fee.

8 1. A licensee authorized to operate a pari-mutuel
9 dog racetrack and to conduct gambling games pursuant
10 to section 99F.6 as of January 1, 2010, may, upon
11 written notification to the commission and agreement
12 to pay the annual alternative dog racetrack licensure
13 fee to the commission as provided in this section,
14 discontinue scheduling performances of live dog races
15 at the racetrack and maintain a license under this
16 chapter for purposes of permitting pari-mutuel wagering
17 on simultaneously telecast dog races.

18 2. For purposes of this section, the annual
19 alternative dog racetrack licensure fee shall be
20 determined and paid as follows:

21 a. For the pari-mutuel dog racetrack located in
22 Dubuque county, the payment of three million dollars
23 each January commencing January 2011.

24 b. For the pari-mutuel dog racetrack located in
25 Pottawattamie county, the payment of seven million
26 dollars each January commencing January 2011.

27 3. The annual alternative dog racetrack licensure
28 fee shall be paid to the commission for deposit in the
29 general fund of the state.

30 Sec. _____. Section 99D.11, subsection 6, paragraph
31 b, Code Supplement 2009, is amended to read as follows:

32 b. (1) The commission may authorize the licensee
33 to simultaneously telecast within the racetrack
34 enclosure, for the purpose of pari-mutuel wagering,
35 a horse or dog race licensed by the racing authority
36 of another state. It is the responsibility of
37 each licensee to obtain the consent of appropriate
38 racing officials in other states as required by the
39 federal Interstate Horseracing Act of 1978, 15 U.S.C.
40 { 3001-3007, to televise races for the purpose of
41 conducting pari-mutuel wagering.

42 (2) A licensee may also obtain the permission of a
43 person licensed by the commission to conduct horse or
44 dog races in this state to televise races conducted by
45 that person for the purpose of conducting pari-mutuel
46 racing. However, arrangements made by a licensee
47 to televise any race for the purpose of conducting
48 pari-mutuel wagering are subject to the approval of
49 the commission, and the commission shall select the
50 races to be televised. The races selected by the

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1 commission shall be the same for all licensees approved
2 by the commission to televise races for the purpose of
3 conducting pari-mutuel wagering. The commission shall
4 not authorize the simultaneous telecast or televising
5 of and a licensee shall not simultaneously telecast
6 or televise any horse or dog race for the purpose of
7 conducting pari-mutuel wagering unless the simultaneous
8 telecast or televising is done at the racetrack of a
9 licensee that schedules no less than sixty performances
10 of nine live races each day of the season or that is
11 not obligated to schedule performances of live races
12 pursuant to section 99D.9A.

13 (3) For purposes of the taxes imposed under this
14 chapter, races televised by a licensee for purposes
15 of pari-mutuel wagering shall be treated as if the
16 races were held at the racetrack of the licensee.
17 Notwithstanding any contrary provision in this chapter,
18 the commission may allow a licensee to adopt the same
19 deductions as those of the pari-mutuel racetrack from
20 which the races are being simultaneously telecast.

21 Sec. _____. Section 99F.6, subsection 4, paragraph b,
22 Code 2009, is amended to read as follows:

23 b. The commission shall authorize the licensees
24 of pari-mutuel dog racetracks located in Dubuque
25 county and Black Hawk county to conduct gambling
26 games as provided in section 99F.4A if the licensees
27 schedule at least one hundred thirty performances
28 of twelve live races each day during a season of
29 twenty-five weeks. For the pari-mutuel dog racetrack
30 located in Pottawattamie county, the commission shall
31 authorize the licensee to conduct gambling games as
32 provided in section 99F.4A if the licensee schedules
33 at least two hundred ninety performances of twelve
34 live races each day during a season of fifty weeks.
35 The commission shall approve an annual contract to be
36 negotiated between the annual recipient of the dog
37 racing promotion fund and each dog racetrack licensee
38 to specify the percentage or amount of gambling game
39 proceeds which shall be dedicated to supplement the
40 purses of live dog races. The parties shall agree
41 to a negotiation timetable to insure no interruption
42 of business activity. If the parties fail to agree,
43 the commission shall impose a timetable. If the
44 two parties cannot reach agreement, each party shall
45 select a representative and the two representatives
46 shall select a third person to assist in negotiating
47 an agreement. The two representatives may select the
48 commission or one of its members to serve as the third
49 party. Alternately, each party shall submit the name
50 of the proposed third person to the commission who

1 shall then select one of the two persons to serve as
2 the third party. All parties to the negotiations,
3 including the commission, shall consider that the dog
4 racetracks were built to facilitate the development
5 and promotion of Iowa greyhound racing dogs in this
6 state and shall negotiate and decide accordingly.
7 However, the requirement to schedule performances of
8 live races for purposes of conducting gambling games
9 under this chapter shall not apply to a licensee who is
10 not obligated to schedule performances of live races
11 pursuant to section 99D.9A.

12 Sec. _____. IOWA GREYHOUND OWNERS AND KENNELS
13 RETIREMENT FUND.

14 1. A greyhound owners and kennels retirement fund
15 is created in the state treasury under the control of
16 the racing and gaming commission.

17 2. The fund shall consist of all of the following:

18 a. Moneys in the dog racing promotion fund created
19 in section 99D.12 and the Iowa horse and dog breeders
20 fund created in section 99D.22, that were deposited
21 in those funds from a dog racetrack licensee that
22 discontinues scheduling performances of live dog races
23 pursuant to section 99D.9A.

24 b. Moneys credited to the fund from a dog racetrack
25 licensee that discontinues scheduling performances of
26 live dog races pursuant to section 99D.9A representing
27 the remaining balance of all dog purse supplement
28 payments owed by the licensee pursuant to an agreement
29 approved by the commission.

30 3. Moneys in the fund shall be disbursed by the
31 racing and gaming commission to registered Iowa
32 greyhound owners and registered Iowa kennels in an
33 expeditious and equitable manner as determined by the
34 racing and gaming commission.

35 4. Section 8.33 does not apply to any moneys in the
36 fund. Notwithstanding section 12C.7, subsection 2,
37 interest or earnings on moneys deposited in the fund
38 shall be credited to the fund.

39 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
40 of this Act, being deemed of immediate importance,
41 takes effect upon enactment.>

42 2. By renumbering as necessary.

By MASCHER of Johnson
ABDUL-SAMAD of Polk

SENATE FILE 2367

H-8497

1 Amend the amendment, H-8491, to Senate File 2367,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, line 8, by striking <1.>
- 5 2. Page 1, by striking lines 11 through 13 and
6 inserting <written notification to the commission,>
- 7 3. Page 1, by striking lines 18 through 29.
- 8 4. By renumbering as necessary.

By RAECKER of Polk

H-8497 FILED MARCH 18, 2010

SENATE FILE 2370

H-8492

- 1 Amend Senate File 2370, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. By striking page 24, line 18, through page 26,
4 line 31 and inserting <birds which have not been tagged
5 as ~~herein~~ required in this section.>
 - 6 2. Page 27, by striking lines 15 through 19.
 - 7 3. By renumbering as necessary.

By BELL of Jasper

H-8492 FILED MARCH 18, 2010

SENATE FILE 2378

H-8460

1 Amend Senate File 2378, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 35, after line 30 by inserting:

4 <DIVISION _____
5 PILOT PROJECT

6 Sec. _____. NEW SECTION. 321.296 Speed limit
7 enforcement in work zones on primary roads -- pilot
8 project.

9 1. The department of public safety, in consultation
10 with the department of transportation, shall design and
11 implement a pilot project utilizing one or more photo
12 traffic enforcement devices for the enforcement of
13 posted speed limits in work zones on primary highways.
14 The pilot project shall take place during the calendar
15 year beginning January 1, 2011, at times and locations
16 to be determined by the department of public safety.

17 a. The department of public safety may enter into
18 an agreement or contract with a vendor for furnishing,
19 installing, servicing, operating, or maintaining a
20 photo traffic enforcement device for the purposes
21 of the pilot project. The department of public
22 safety, or the vendor designated by the department of
23 public safety, shall cooperate with the department of
24 transportation when choosing the location within a work
25 zone for installation of a photo traffic enforcement
26 device.

27 b. The department of transportation shall post
28 signs providing notice to motorists entering a work
29 zone where a photo traffic enforcement device is in
30 use.

31 2. A citation for a violation of a speed limit
32 in a work zone resulting from evidence produced by a
33 photo traffic enforcement device used pursuant to a
34 pilot project under this section shall be mailed, no
35 later than seven days from the date of the violation,
36 to the owner of record of the motor vehicle involved
37 in the violation. The citation shall be accompanied
38 by documentation including but not limited to the
39 following:

40 a. A photo-image constituting evidence of the
41 violation.

42 b. An explanation of the owner's rights and
43 responsibilities with regard to the citation including
44 a statement explaining that, as the owner of the
45 vehicle, the person is responsible for payment of
46 the civil penalty unless the person does one of the
47 following in a manner approved by the department of
48 public safety:

49 (1) If the person was not the driver of the vehicle
50 at the time the violation occurred, identify the person

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1 who was the driver of the vehicle.

2 (2) If the person sold the vehicle prior to the
3 occurrence of the violation, identify the person or
4 business to whom the vehicle was sold.

5 (3) If the vehicle or registration plates were
6 stolen prior to the time the violation occurred,
7 provide information regarding the report of the theft
8 to a law enforcement agency.

9 c. Directions for remitting the civil penalty.

10 3. a. Notwithstanding section 321.482 and section
11 805.8A, subsection 14, paragraph "i", a violation of a
12 posted speed limit in a work zone for which a citation
13 is issued pursuant to this section is a civil offense
14 punishable by a civil penalty as follows:

15 (1) Two hundred sixty-three dollars for speed not
16 more than ten miles per hour over the posted speed
17 limit.

18 (2) Four hundred sixty-five dollars for speed
19 greater than ten but not more than twenty miles per
20 hour over the posted speed limit.

21 (3) Seven hundred thirty-five dollars for speed
22 greater than twenty but not more than twenty-five miles
23 per hour over the posted speed limit.

24 (4) One thousand four hundred ten dollars for speed
25 greater than twenty-five miles per hour over the posted
26 speed limit.

27 b. Civil penalties assessed under this section
28 shall be payable to the clerk of the district court
29 as provided in section 602.8105, subsection 5, and
30 distributed as provided in section 602.8108, subsection
31 11.

32 4. Upon approval of the executive council, there is
33 appropriated to the department of public safety from
34 the general fund of the state the amount sufficient to
35 cover the costs actually incurred by the department
36 of public safety to carry out the provisions of this
37 section, including the amount necessary to reimburse
38 the department of transportation for any costs incurred
39 for the installation of signage as required under
40 subsection 1. The amount appropriated under this
41 subsection shall not exceed the amount deposited
42 pursuant to section 602.8108, subsection 11.

43 Sec. _____. Section 602.8105, Code Supplement 2009,
44 is amended by adding the following new subsection:

45 NEW SUBSECTION. 5. The clerk of the district court
46 shall collect a civil penalty assessed pursuant to
47 section 321.296 for distribution as provided in section
48 602.8108, subsection 11.

49 Sec. _____. Section 602.8108, Code Supplement 2009,
50 is amended by adding the following new subsection:

1 NEW SUBSECTION. 11. The clerk of the district
2 court shall remit to the treasurer of state, not
3 later than the fifteenth day of each month, all moneys
4 collected from the civil penalty provided in section
5 321.296 during the preceding calendar month for deposit
6 in the general fund of the state.

7 Sec. _____. PHOTO TRAFFIC ENFORCEMENT PILOT PROJECT
8 REPORT. The department of public safety shall report
9 to the general assembly on or before January 15, 2012,
10 regarding the pilot project implemented pursuant to
11 this Act. The report shall include but not be limited
12 to the number of citations issued and the number and
13 dollar amount of civil penalties remitted pursuant to
14 this Act, the costs associated with the pilot project,
15 traffic safety data relating to the work zones where
16 photo traffic enforcement devices were employed during
17 the pilot project, comments and suggestions from the
18 department of transportation relating to the pilot
19 project, and any findings and recommendations from
20 the department of public safety regarding future use
21 of photo traffic enforcement devices for speed limit
22 enforcement in work zones or elsewhere on Iowa roads.

23 Sec. _____. FUTURE REPEAL. This division of this Act
24 is repealed June 30, 2012.>

25 2. By renumbering as necessary.

By ZIRKELBACH of Jones

SENATE FILE 2378

H-8489

1 Amend Senate File 2378, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 20, line 3, through page 29,
4 line 11, and inserting:

5 <Sec. _____. Section 805.8A, Code Supplement 2009, is
6 amended by striking the section and inserting in lieu
7 thereof the following:

8 805.8A Motor vehicle and transportation scheduled
9 violations.

10 1. Parking violations.

11 a. For parking violations under sections 321.236,
12 321.239, 321.358, 321.360, and 321.361, the scheduled
13 fine is five dollars, except if the local authority has
14 established the fine by ordinance. The scheduled fine
15 for a parking violation pursuant to section 321.236
16 increases by five dollars if authorized by ordinance
17 and if the parking violation is not paid within thirty
18 days of the date upon which the violation occurred.
19 For purposes of calculating the unsecured appearance
20 bond required under section 805.6, the scheduled fine
21 shall be five dollars, or if the amount of the fine is
22 greater than five dollars, the unsecured appearance
23 bond shall be the amount of the fine established by
24 the local authority. However, violations charged
25 by a city or county upon simple notice of a fine
26 instead of a uniform citation and complaint required by
27 section 321.236, subsection 1, paragraph "b", are not
28 scheduled violations, and this section shall not apply
29 to any offense charged in that manner. For a parking
30 violation under section 461A.38, the scheduled fine is
31 ten dollars. For a parking violation under section
32 321.362, the scheduled fine is twenty dollars.

33 b. For a parking violation under section 321L.2A,
34 subsection 2, the scheduled fine is twenty dollars.

35 c. For violations under section 321L.2A, subsection
36 3, sections 321L.3, 321L.4, subsection 2, and section
37 321L.7, the scheduled fine is two hundred dollars.

38 2. Title and registration violations. For title or
39 registration violations under the following sections,
40 the scheduled fine is as follows:

- 41 a. 321.17, \$50.
- 42 b. 321.25, \$100.
- 43 c. 321.32, \$20.
- 44 d. 321.34, \$20.
- 45 e. 321.37, \$20.
- 46 f. 321.38, \$20.
- 47 g. 321.41, \$20.
- 48 h. 321.45, \$100.
- 49 i. 321.46, \$100.
- 50 j. 321.47, \$100.

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1 k. 321.48, \$100.
2 l. 321.52, \$100.
3 m. 321.55, \$50.
4 n. 321.57, \$100.
5 o. 321.62, \$100.
6 p. 321.67, \$100.
7 q. 321.98, \$50.
8 r. 321.99, \$200.
9 s. 321.104, \$100.
10 t. 321.115, \$30.
11 u. 321.115A, \$30.
12 3. Equipment violations. For equipment violations
13 under the following sections, the scheduled fine is as
14 follows:
15 a. 321.234A, \$50.
16 b. 321.247, \$100.
17 c. 321.317, \$20.
18 d. 321.381, \$100.
19 e. 321.381A, \$100.
20 f. 321.382, \$25.
21 g. 321.383, \$30.
22 h. 321.384, \$30.
23 i. 321.385, \$30.
24 j. 321.386, \$30.
25 k. 321.387, \$20.
26 l. 321.388, \$20.
27 m. 321.389, \$20.
28 n. 321.390, \$20.
29 o. 321.392, \$20.
30 p. 321.393, \$20.
31 q. 321.398, \$30.
32 r. 321.402, \$30.
33 s. 321.403, \$30.
34 t. 321.404, \$30.
35 u. 321.404A, \$25.
36 v. 321.409, \$30.
37 w. 321.415, \$30.
38 x. 321.419, \$30.
39 y. 321.420, \$30.
40 z. 321.421, \$30.
41 aa. 321.422, \$20.
42 ab. 321.423, \$30.
43 ac. 321.430, \$100.
44 ad. 321.432, \$20.
45 ae. 321.433, \$30.
46 af. 321.436, \$20.
47 ag. 321.437, for improperly used or nonused, or
48 defective or improper equipment, other than brakes,
49 driving lights, and brake lights, \$20.
50 ah. 321.438, \$50.

- 1 ai. 321.439, \$20.
- 2 aj. 321.440, \$20.
- 3 ak. 321.441, \$20.
- 4 al. 321.442, \$20.
- 5 am. 321.444, \$20.

6 4. Driver's license violations. For driver's
7 license violations under the following sections, the
8 scheduled violation is as follows:

- 9 a. 321.174, \$200.
- 10 b. 321.174A, \$50.
- 11 c. 321.180, \$50.
- 12 d. 321.180B, \$50.
- 13 e. 321.193, \$50.
- 14 f. 321.194, \$50.
- 15 g. 321.216, \$100.
- 16 h. 321.216B, \$200.
- 17 i. 321.216C, \$200.
- 18 j. 321.219, \$200.
- 19 k. 321.220, \$200.

20 5. Speed violations.

21 a. For excessive speed violations in excess of the
22 limit under section 321.236, subsections 5 and 11,
23 sections 321.285, and 461A.36, the scheduled fine shall
24 be the following:

25 (1) Twenty dollars for speed not more than five
26 miles per hour in excess of the limit.

27 (2) Forty dollars for speed greater than five but
28 not more than ten miles per hour in excess of the
29 limit.

30 (3) Eighty dollars for speed greater than ten but
31 not more than fifteen miles per hour in excess of the
32 limit.

33 (4) Ninety dollars for speed greater than fifteen
34 but not more than twenty miles per hour in excess of
35 the limit.

36 (5) One hundred dollars plus five dollars for each
37 mile per hour of excessive speed over twenty miles per
38 hour over the limit.

39 b. Notwithstanding paragraph "a", for excessive
40 speed violations in speed zones greater than fifty-five
41 miles per hour, the scheduled fine shall be:

42 (1) Twenty dollars for speed not more than five
43 miles per hour in excess of the limit.

44 (2) Forty dollars for speed greater than five but
45 not more than ten miles per hour in excess of the
46 limit.

47 (3) Eighty dollars for speed greater than ten but
48 not more than fifteen miles per hour in excess of the
49 limit.

50 (4) Ninety dollars for speed greater than fifteen

1 but not more than twenty miles per hour in excess of
2 the limit.

3 (5) One hundred dollars plus five dollars for each
4 mile per hour of excessive speed over twenty miles per
5 hour over the limit.

6 c. Excessive speed in whatever amount by a school
7 bus is not a scheduled violation under any section
8 listed in this subsection.

9 d. Excessive speed in conjunction with a violation
10 of section 321.278 is not a scheduled violation,
11 whatever the amount of excess speed.

12 e. For a violation under section 321.295, the
13 scheduled fine is fifty dollars.

14 6. Operating violations. For operating violations
15 under the following sections, the scheduled violation
16 is as follows:

17 a. 321.236, subsections 3, 4, 9, and 12, \$20.

18 b. 321.275, subsections 1 through 7, \$35.

19 c. 321.277A, \$35.

20 d. 321.288, \$100.

21 e. 321.297, \$100.

22 f. 321.299, \$100.

23 g. 321.302, \$100.

24 h. 321.303, \$100.

25 i. 321.304, subsections 1 and 2, \$100.

26 j. 321.305, \$100.

27 k. 321.306, \$100.

28 l. 321.311, \$100.

29 m. 321.312, \$100.

30 n. 321.314, \$100.

31 o. 321.315, \$35.

32 p. 321.316, \$35.

33 q. 321.318, \$35.

34 r. 321.323, \$100.

35 s. 321.340, \$100.

36 t. 321.353, \$100.

37 u. 321.354, \$100.

38 v. 321.363, \$35.

39 w. 321.365, \$35.

40 x. 321.366, \$100.

41 y. 321.395, \$100.

42 7. Failure to yield or obey violations. For failure
43 to yield or obey violations under the following
44 sections, the scheduled violation is as follows:

45 a. 321.257, subsection 2, for a violation by an
46 operator of a motor vehicle, \$100.

47 b. 321.298, \$100.

48 c. 321.307, \$100.

49 d. 321.308, \$100.

50 e. 321.313, \$100.

1 f. 321.319, \$100.
2 g. 321.320, \$100.
3 h. 321.321, \$100.
4 i. 321.327, \$100.
5 j. 321.329, \$100.
6 k. 321.333, \$100.
7 8. Traffic sign or signal violations. For traffic
8 sign or signal violations under the following sections,
9 the scheduled violation is as follows:
10 a. 321.236, subsections 2 and 6, \$35.
11 b. 321.256, \$100.
12 c. 321.294, \$100.
13 d. 321.304, subsection 3, \$100.
14 e. 321.322, \$100.
15 9. Bicycle or pedestrian violations. For bicycle
16 or pedestrian violations under the following sections,
17 the scheduled fine for a pedestrian or bicyclist is as
18 follows:
19 a. 321.234, subsections 3 and 4, \$25.
20 b. 321.236, subsection 10, \$15.
21 c. 321.257, subsection 2, \$25.
22 d. 321.275, subsection 8, \$25.
23 e. 321.325, \$25.
24 f. 321.326, \$25.
25 g. 321.328, \$25.
26 h. 321.331, \$25.
27 i. 321.332, \$25.
28 j. 321.397, \$25.
29 k. 321.434, \$25.
30 9A. Electric personal assistive mobility device
31 violations. For violations under section 321.235A, the
32 scheduled fine is fifteen dollars.
33 10. School bus violations.
34 a. For violations by an operator of a school bus
35 under sections 321.285 and 321.372, subsections 1 and
36 2, the scheduled fine is one hundred dollars. However,
37 an excessive speed violation by a school bus of more
38 than ten miles per hour in excess of the limit is not a
39 scheduled violation.
40 b. For a violation under section 321.372,
41 subsection 3, the scheduled fine is two hundred
42 dollars.
43 11. Emergency vehicle violations. For emergency
44 vehicle violations under the following sections, the
45 scheduled fine is as follows:
46 a. 321.231, \$100.
47 b. 321.323A, \$100.
48 c. 321.324, \$100.
49 d. 321.367, \$100.
50 e. 321.368, \$100.

1 12. Restrictions on vehicles.
2 a. For violations under sections 321.309, 321.310,
3 321.394, 321.461, and 321.462, the scheduled fine is
4 thirty-five dollars.
5 b. For violations under section 321.437, the
6 scheduled fine is thirty-five dollars.
7 c. For height, length, width, and load violations
8 under sections 321.454, 321.455, 321.456, 321.457, and
9 321.458, the scheduled fine is two hundred dollars.
10 d. For violations under section 321.466, the
11 scheduled fine is twenty dollars for each two thousand
12 pounds or fraction thereof of overweight.
13 e. (1) Violations of the schedule of axle
14 and tandem axle and gross or group of axle weight
15 violations in section 321.463 shall be scheduled
16 violations subject to the provisions, procedures, and
17 exceptions contained in sections 805.6 through 805.11,
18 irrespective of the amount of the fine under that
19 schedule.
20 (a) Violations of the schedule of weight violations
21 shall be chargeable, where the fine charged does not
22 exceed one thousand dollars, only by uniform citation
23 and complaint.
24 (b) Violations of the schedule of weight
25 violations, where the fine charged exceeds one
26 thousand dollars shall, when the violation is
27 admitted and section 805.9 applies, be chargeable
28 upon uniform citation and complaint, indictment, or
29 county attorney's information, but otherwise shall be
30 chargeable only upon indictment or county attorney's
31 information.
32 (2) In all cases of charges under the schedule of
33 weight violations, the charge shall specify the amount
34 of fine charged under the schedule. Where a defendant
35 is convicted and the fine under the foregoing schedule
36 of weight violations exceeds one thousand dollars, the
37 conviction shall be of an indictable offense although
38 section 805.9 is employed and whether the violation
39 is charged upon uniform citation and complaint,
40 indictment, or county attorney's information.
41 f. For a violation under section 321E.16, other
42 than the provisions relating to weight, the scheduled
43 fine is two hundred dollars.
44 13. Motor carrier violations.
45 a. (1) For a violation under section 321.54, the
46 scheduled fine is thirty dollars.
47 (2) For violations under sections 326.22 and
48 326.23, the scheduled fine is fifty dollars.
49 b. For a violation under section 321.449, the
50 scheduled fine is fifty dollars.

1 c. For violations under sections 321.364, 321.450,
2 321.460, and 452A.52, the scheduled fine is two hundred
3 dollars.

4 d. For violations of section 325A.3, subsection 5,
5 or section 325A.8, the scheduled fine is one hundred
6 dollars.

7 e. For violations of chapter 325A, other than a
8 violation of section 325A.3, subsection 5, or section
9 325A.8, the scheduled fine is two hundred fifty
10 dollars.

11 f. For failure to have proper carrier
12 identification markings under section 327B.1, the
13 scheduled fine is one hundred dollars.

14 g. For failure to have proper evidence of
15 interstate authority carried or displayed under section
16 327B.1, and for failure to register, carry, or display
17 evidence that interstate authority is not required
18 under section 327B.1, the scheduled fine is two hundred
19 fifty dollars.

20 14. Miscellaneous violations.

21 a. Failure to obey a peace officer. For a violation
22 under section 321.229, the scheduled fine is one
23 hundred dollars.

24 b. Abandoning a motor vehicle. For a violation
25 under section 321.91, the scheduled fine is two hundred
26 dollars.

27 c. Seat belt or restraint violations.

28 (1) For a violation under section 321.445, the
29 scheduled fine is fifty dollars.

30 (2) For a violation under section 321.446, the
31 scheduled violation is one hundred dollars.

32 d. Litter and debris violations. For violations
33 under sections 321.369 and 321.370, the scheduled fine
34 is seventy dollars.

35 e. Open container violations. For violations under
36 sections 321.284 and 321.284A, the scheduled fine is
37 two hundred dollars.

38 f. Proof of financial responsibility. If, in
39 connection with a motor vehicle accident, a person is
40 charged and found guilty of a violation of section
41 321.20B, subsection 1, the scheduled fine is five
42 hundred dollars; otherwise, the scheduled fine for
43 a violation of section 321.20B, subsection 1, is
44 two hundred fifty dollars. Notwithstanding section
45 805.12, fines collected pursuant to this paragraph
46 shall be submitted to the state court administrator and
47 distributed fifty percent to the victim compensation
48 fund established in section 915.94, twenty-five percent
49 to the county in which such fine is imposed, and
50 twenty-five percent to the general fund of the state.

1 g. Radar-jamming devices. For a violation under
2 section 321.232, the scheduled fine is one hundred
3 dollars.

4 h. Railroad crossing violations. For violations
5 under sections 321.341, 321.342, 321.343, and 321.344,
6 and 321.344B, the scheduled fine is two hundred
7 dollars.

8 i. Road work zone violations. The scheduled fine
9 for any moving traffic violation under chapter 321,
10 as provided in this section, shall be doubled if the
11 violation occurs within any road work zone, as defined
12 in section 321.1. However, notwithstanding subsection
13 5, the scheduled fine for violating the speed limit in
14 a road work zone is as follows:

15 (1) One hundred fifty dollars for speed not more
16 than ten miles per hour over the posted speed limit.

17 (2) Three hundred dollars for speed greater than
18 ten but not more than twenty miles per hour over the
19 posted speed limit.

20 (3) Five hundred dollars for speed greater than
21 twenty but not more than twenty-five miles per hour
22 over the posted speed limit.

23 (4) One thousand dollars for speed greater than
24 twenty-five miles per hour over the posted speed limit.

25 j. Vehicle component parts records violations. For
26 violations under section 321.95, the scheduled fine is
27 fifty dollars.>

28 2. Page 29, line 15, by striking <one hundred ten>
29 and inserting <~~one~~ two hundred>

30 3. By striking page 29, line 34, through page 30,
31 line 20, and inserting:

32 <a. To the department of corrections for
33 operations including but not limited to drug courts
34 and salaries and support for probation and parole
35 officers, \$652,810, and of the amount allocated in
36 this paragraph, \$402,810 shall be allocated by the
37 department of corrections to the sixth judicial
38 district department of correctional services, \$150,000
39 shall be allocated to the fifth judicial district
40 department of correctional services, and \$100,000 shall
41 be allocated to the first judicial district department
42 of correctional services.

43 b. To the department of corrections for salaries
44 and support for correctional officers, \$2,497,190, and
45 of the amount allocated in this paragraph, \$1,451,000
46 shall be allocated by the department of corrections
47 for the operation of the Fort Madison correctional
48 facility, \$846,190 shall be allocated for the operation
49 of the Luster Heights facility, and \$200,000 shall be
50 allocated for the operation of the Anamosa correctional

1 facility.

2 c. To the department of public safety, \$150,000,
3 for costs associated with the training and equipment
4 needs of volunteer fire fighters.

5 d. To the department of public safety for salaries
6 and support for sworn peace officers of the state
7 patrol, \$250,000.

8 e. To the Iowa civil rights commission, \$100,000.

9 f. To the judicial branch, \$5,300,000.

10 g. To the department of justice for salaries and
11 support, \$150,000.

12 3. Moneys remaining in the fund at or after the
13 close of the fiscal year shall revert to the general
14 fund of the state.

15 4. This section is repealed June 30, 2011.>

16 4. Page 33, before line 21 by inserting:

17 <Sec. _____. Section 321.174, subsection 1, Code
18 2009, is amended to read as follows:

19 1. a. A person, except those expressly exempted,
20 shall not operate any motor vehicle upon a highway in
21 this state unless the person has a driver's license
22 issued by the department valid for the vehicle's
23 operation.

24 b. A moving traffic violation does not include a
25 violation of this subsection.

26 Sec. _____. Section 321.210, subsection 2, paragraph
27 d, Code 2009, is amended to read as follows:

28 d. The first two speeding violations within any
29 twelve-month period of ten miles per hour or less over
30 the legal speed limit in speed zones having a legal
31 speed limit between thirty-four miles per hour and
32 ~~fifty-six~~ sixty-one miles per hour.

33 Sec. _____. Section 516B.3, subsection 1, Code 2009,
34 is amended to read as follows:

35 1. The commissioner shall require that insurance
36 companies transacting business in this state not
37 consider speeding violations occurring on or after
38 July 1, 1986, but before May 12, 1987, which are for
39 speeding violations for ten miles per hour or less
40 over the legal speed limit in speed zones that have a
41 legal speed limit greater than thirty-five miles per
42 hour or speeding violations occurring on or after May
43 12, 1987, which are for speeding violations for ten
44 miles per hour or less over the legal speed limit in
45 speed zones that have a legal speed limit equal to or
46 greater than thirty-five miles per hour but not greater
47 than ~~fifty-five~~ sixty miles per hour for the purpose
48 of establishing rates for motor vehicle insurance
49 charged by the insurer and shall require that insurance
50 companies not cancel or refuse to renew any such policy

1 for such violations. In any twelve-month period, this
2 section applies only to the first two such violations
3 which occur.>

4 5. Title page, line 2, by striking <providing for>
5 and inserting <modifying certain traffic offenses,>

By TAYLOR of Linn

R. OLSON of Polk

SENATE FILE 2378

H-8493

1 Amend Senate File 2378, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 20, line 3, through page 29,
4 line 11, and inserting:
5 <Sec. _____. Section 805.8A, Code Supplement 2009, is
6 amended by striking the section and inserting in lieu
7 thereof the following:
8 805.8A Motor vehicle and transportation scheduled
9 violations.
10 1. Parking violations.
11 a. For parking violations under sections 321.236,
12 321.239, 321.358, 321.360, and 321.361, the scheduled
13 fine is five dollars, except if the local authority has
14 established the fine by ordinance. The scheduled fine
15 for a parking violation pursuant to section 321.236
16 increases by five dollars if authorized by ordinance
17 and if the parking violation is not paid within thirty
18 days of the date upon which the violation occurred.
19 For purposes of calculating the unsecured appearance
20 bond required under section 805.6, the scheduled fine
21 shall be five dollars, or if the amount of the fine is
22 greater than five dollars, the unsecured appearance
23 bond shall be the amount of the fine established by
24 the local authority. However, violations charged
25 by a city or county upon simple notice of a fine
26 instead of a uniform citation and complaint required by
27 section 321.236, subsection 1, paragraph "b", are not
28 scheduled violations, and this section shall not apply
29 to any offense charged in that manner. For a parking
30 violation under section 461A.38, the scheduled fine is
31 ten dollars. For a parking violation under section
32 321.362, the scheduled fine is twenty dollars.
33 b. For a parking violation under section 321L.2A,
34 subsection 2, the scheduled fine is twenty dollars.
35 c. For violations under section 321L.2A, subsection
36 3, sections 321L.3, 321L.4, subsection 2, and section
37 321L.7, the scheduled fine is two hundred dollars.
38 2. Title and registration violations. For title or
39 registration violations under the following sections,
40 the scheduled fine is as follows:
41 a. 321.17, \$50.
42 b. 321.25, \$100.
43 c. 321.32, \$20.
44 d. 321.34, \$20.
45 e. 321.37, \$20.
46 f. 321.38, \$20.
47 g. 321.41, \$20.
48 h. 321.45, \$100.
49 i. 321.46, \$100.
50 j. 321.47, \$100.

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- 1 k. 321.48, \$100.
- 2 l. 321.52, \$100.
- 3 m. 321.55, \$50.
- 4 n. 321.57, \$100.
- 5 o. 321.62, \$100.
- 6 p. 321.67, \$100.
- 7 q. 321.98, \$50.
- 8 r. 321.99, \$200.
- 9 s. 321.104, \$100.
- 10 t. 321.115, \$30.
- 11 u. 321.115A, \$30.
- 12 3. Equipment violations. For equipment violations
- 13 under the following sections, the scheduled fine is as
- 14 follows:
- 15 a. 321.234A, \$50.
- 16 b. 321.247, \$100.
- 17 c. 321.317, \$20.
- 18 d. 321.381, \$100.
- 19 e. 321.381A, \$100.
- 20 f. 321.382, \$25.
- 21 g. 321.383, \$30.
- 22 h. 321.384, \$30.
- 23 i. 321.385, \$30.
- 24 j. 321.386, \$30.
- 25 k. 321.387, \$20.
- 26 l. 321.388, \$20.
- 27 m. 321.389, \$20.
- 28 n. 321.390, \$20.
- 29 o. 321.392, \$20.
- 30 p. 321.393, \$20.
- 31 q. 321.398, \$30.
- 32 r. 321.402, \$30.
- 33 s. 321.403, \$30.
- 34 t. 321.404, \$30.
- 35 u. 321.404A, \$25.
- 36 v. 321.409, \$30.
- 37 w. 321.415, \$30.
- 38 x. 321.419, \$30.
- 39 y. 321.420, \$30.
- 40 z. 321.421, \$30.
- 41 aa. 321.422, \$20.
- 42 ab. 321.423, \$30.
- 43 ac. 321.430, \$100.
- 44 ad. 321.432, \$20.
- 45 ae. 321.433, \$30.
- 46 af. 321.436, \$20.
- 47 ag. 321.437, for improperly used or nonused, or
- 48 defective or improper equipment, other than brakes,
- 49 driving lights, and brake lights, \$20.
- 50 ah. 321.438, \$50.

1 ai. 321.439, \$20.
2 aj. 321.440, \$20.
3 ak. 321.441, \$20.
4 al. 321.442, \$20.
5 am. 321.444, \$20.

6 4. Driver's license violations. For driver's
7 license violations under the following sections, the
8 scheduled violation is as follows:

9 a. 321.174, \$200.
10 b. 321.174A, \$50.
11 c. 321.180, \$50.
12 d. 321.180B, \$50.
13 e. 321.193, \$50.
14 f. 321.194, \$50.
15 g. 321.216, \$100.
16 h. 321.216B, \$200.
17 i. 321.216C, \$200.
18 j. 321.219, \$200.
19 k. 321.220, \$200.

20 5. Speed violations.

21 a. For excessive speed violations in excess of the
22 limit under section 321.236, subsections 5 and 11,
23 sections 321.285, and 461A.36, the scheduled fine shall
24 be the following:

25 (1) Twenty dollars for speed not more than five
26 miles per hour in excess of the limit.

27 (2) Forty dollars for speed greater than five but
28 not more than ten miles per hour in excess of the
29 limit.

30 (3) Eighty dollars for speed greater than ten but
31 not more than fifteen miles per hour in excess of the
32 limit.

33 (4) Ninety dollars for speed greater than fifteen
34 but not more than twenty miles per hour in excess of
35 the limit.

36 (5) One hundred dollars plus five dollars for each
37 mile per hour of excessive speed over twenty miles per
38 hour over the limit.

39 b. Notwithstanding paragraph "a", for excessive
40 speed violations in speed zones greater than fifty-five
41 miles per hour, the scheduled fine shall be:

42 (1) Twenty dollars for speed not more than five
43 miles per hour in excess of the limit.

44 (2) Forty dollars for speed greater than five but
45 not more than ten miles per hour in excess of the
46 limit.

47 (3) Eighty dollars for speed greater than ten but
48 not more than fifteen miles per hour in excess of the
49 limit.

50 (4) Ninety dollars for speed greater than fifteen

1 but not more than twenty miles per hour in excess of
2 the limit.

3 (5) One hundred dollars plus five dollars for each
4 mile per hour of excessive speed over twenty miles per
5 hour over the limit.

6 c. Excessive speed in whatever amount by a school
7 bus is not a scheduled violation under any section
8 listed in this subsection.

9 d. Excessive speed in conjunction with a violation
10 of section 321.278 is not a scheduled violation,
11 whatever the amount of excess speed.

12 e. For a violation under section 321.295, the
13 scheduled fine is fifty dollars.

14 6. Operating violations. For operating violations
15 under the following sections, the scheduled violation
16 is as follows:

17 a. 321.236, subsections 3, 4, 9, and 12, \$20.

18 b. 321.275, subsections 1 through 7, \$35.

19 c. 321.277A, \$35.

20 d. 321.288, \$100.

21 e. 321.297, \$100.

22 f. 321.299, \$100.

23 g. 321.302, \$100.

24 h. 321.303, \$100.

25 i. 321.304, subsections 1 and 2, \$100.

26 j. 321.305, \$100.

27 k. 321.306, \$100.

28 l. 321.311, \$100.

29 m. 321.312, \$100.

30 n. 321.314, \$100.

31 o. 321.315, \$35.

32 p. 321.316, \$35.

33 q. 321.318, \$35.

34 r. 321.323, \$100.

35 s. 321.340, \$100.

36 t. 321.353, \$100.

37 u. 321.354, \$100.

38 v. 321.363, \$35.

39 w. 321.365, \$35.

40 x. 321.366, \$100.

41 y. 321.395, \$100.

42 7. Failure to yield or obey violations. For failure
43 to yield or obey violations under the following
44 sections, the scheduled violation is as follows:

45 a. 321.257, subsection 2, for a violation by an
46 operator of a motor vehicle, \$100.

47 b. 321.298, \$100.

48 c. 321.307, \$100.

49 d. 321.308, \$100.

50 e. 321.313, \$100.

1 f. 321.319, \$100.
2 g. 321.320, \$100.
3 h. 321.321, \$100.
4 i. 321.327, \$100.
5 j. 321.329, \$100.
6 k. 321.333, \$100.
7 8. Traffic sign or signal violations. For traffic
8 sign or signal violations under the following sections,
9 the scheduled violation is as follows:
10 a. 321.236, subsections 2 and 6, \$35.
11 b. 321.256, \$100.
12 c. 321.294, \$100.
13 d. 321.304, subsection 3, \$100.
14 e. 321.322, \$100.
15 9. Bicycle or pedestrian violations. For bicycle
16 or pedestrian violations under the following sections,
17 the scheduled fine for a pedestrian or bicyclist is as
18 follows:
19 a. 321.234, subsections 3 and 4, \$25.
20 b. 321.236, subsection 10, \$15.
21 c. 321.257, subsection 2, \$25.
22 d. 321.275, subsection 8, \$25.
23 e. 321.325, \$25.
24 f. 321.326, \$25.
25 g. 321.328, \$25.
26 h. 321.331, \$25.
27 i. 321.332, \$25.
28 j. 321.397, \$25.
29 k. 321.434, \$25.
30 9A. Electric personal assistive mobility device
31 violations. For violations under section 321.235A, the
32 scheduled fine is fifteen dollars.
33 10. School bus violations.
34 a. For violations by an operator of a school bus
35 under sections 321.285 and 321.372, subsections 1 and
36 2, the scheduled fine is one hundred dollars. However,
37 an excessive speed violation by a school bus of more
38 than ten miles per hour in excess of the limit is not a
39 scheduled violation.
40 b. For a violation under section 321.372,
41 subsection 3, the scheduled fine is two hundred
42 dollars.
43 11. Emergency vehicle violations. For emergency
44 vehicle violations under the following sections, the
45 scheduled fine is as follows:
46 a. 321.231, \$100.
47 b. 321.323A, \$100.
48 c. 321.324, \$100.
49 d. 321.367, \$100.
50 e. 321.368, \$100.

1 12. Restrictions on vehicles.

2 a. For violations under sections 321.309, 321.310,
3 321.394, 321.461, and 321.462, the scheduled fine is
4 thirty-five dollars.

5 b. For violations under section 321.437, the
6 scheduled fine is thirty-five dollars.

7 c. For height, length, width, and load violations
8 under sections 321.454, 321.455, 321.456, 321.457, and
9 321.458, the scheduled fine is two hundred dollars.

10 d. For violations under section 321.466, the
11 scheduled fine is twenty dollars for each two thousand
12 pounds or fraction thereof of overweight.

13 e. (1) Violations of the schedule of axle
14 and tandem axle and gross or group of axle weight
15 violations in section 321.463 shall be scheduled
16 violations subject to the provisions, procedures, and
17 exceptions contained in sections 805.6 through 805.11,
18 irrespective of the amount of the fine under that
19 schedule.

20 (a) Violations of the schedule of weight violations
21 shall be chargeable, where the fine charged does not
22 exceed one thousand dollars, only by uniform citation
23 and complaint.

24 (b) Violations of the schedule of weight
25 violations, where the fine charged exceeds one
26 thousand dollars shall, when the violation is
27 admitted and section 805.9 applies, be chargeable
28 upon uniform citation and complaint, indictment, or
29 county attorney's information, but otherwise shall be
30 chargeable only upon indictment or county attorney's
31 information.

32 (2) In all cases of charges under the schedule of
33 weight violations, the charge shall specify the amount
34 of fine charged under the schedule. Where a defendant
35 is convicted and the fine under the foregoing schedule
36 of weight violations exceeds one thousand dollars, the
37 conviction shall be of an indictable offense although
38 section 805.9 is employed and whether the violation
39 is charged upon uniform citation and complaint,
40 indictment, or county attorney's information.

41 f. For a violation under section 321E.16, other
42 than the provisions relating to weight, the scheduled
43 fine is two hundred dollars.

44 13. Motor carrier violations.

45 a. (1) For a violation under section 321.54, the
46 scheduled fine is thirty dollars.

47 (2) For violations under sections 326.22 and
48 326.23, the scheduled fine is fifty dollars.

49 b. For a violation under section 321.449, the
50 scheduled fine is fifty dollars.

1 c. For violations under sections 321.364, 321.450,
2 321.460, and 452A.52, the scheduled fine is two hundred
3 dollars.

4 d. For violations of section 325A.3, subsection 5,
5 or section 325A.8, the scheduled fine is one hundred
6 dollars.

7 e. For violations of chapter 325A, other than a
8 violation of section 325A.3, subsection 5, or section
9 325A.8, the scheduled fine is two hundred fifty
10 dollars.

11 f. For failure to have proper carrier
12 identification markings under section 327B.1, the
13 scheduled fine is one hundred dollars.

14 g. For failure to have proper evidence of
15 interstate authority carried or displayed under section
16 327B.1, and for failure to register, carry, or display
17 evidence that interstate authority is not required
18 under section 327B.1, the scheduled fine is two hundred
19 fifty dollars.

20 14. Miscellaneous violations.

21 a. Failure to obey a peace officer. For a violation
22 under section 321.229, the scheduled fine is one
23 hundred dollars.

24 b. Abandoning a motor vehicle. For a violation
25 under section 321.91, the scheduled fine is two hundred
26 dollars.

27 c. Seat belt or restraint violations.

28 (1) For a violation under section 321.445, the
29 scheduled fine is fifty dollars.

30 (2) For a violation under section 321.446, the
31 scheduled violation is one hundred dollars.

32 d. Litter and debris violations. For violations
33 under sections 321.369 and 321.370, the scheduled fine
34 is seventy dollars.

35 e. Open container violations. For violations under
36 sections 321.284 and 321.284A, the scheduled fine is
37 two hundred dollars.

38 f. Proof of financial responsibility. If, in
39 connection with a motor vehicle accident, a person is
40 charged and found guilty of a violation of section
41 321.20B, subsection 1, the scheduled fine is five
42 hundred dollars; otherwise, the scheduled fine for
43 a violation of section 321.20B, subsection 1, is
44 two hundred fifty dollars. Notwithstanding section
45 805.12, fines collected pursuant to this paragraph
46 shall be submitted to the state court administrator and
47 distributed fifty percent to the victim compensation
48 fund established in section 915.94, twenty-five percent
49 to the county in which such fine is imposed, and
50 twenty-five percent to the general fund of the state.

1 g. Radar-jamming devices. For a violation under
2 section 321.232, the scheduled fine is one hundred
3 dollars.

4 h. Railroad crossing violations. For violations
5 under sections 321.341, 321.342, 321.343, and 321.344,
6 and 321.344B, the scheduled fine is two hundred
7 dollars.

8 i. Road work zone violations. The scheduled fine
9 for any moving traffic violation under chapter 321,
10 as provided in this section, shall be doubled if the
11 violation occurs within any road work zone, as defined
12 in section 321.1. However, notwithstanding subsection
13 5, the scheduled fine for violating the speed limit in
14 a road work zone is as follows:

15 (1) One hundred fifty dollars for speed not more
16 than ten miles per hour over the posted speed limit.

17 (2) Three hundred dollars for speed greater than
18 ten but not more than twenty miles per hour over the
19 posted speed limit.

20 (3) Five hundred dollars for speed greater than
21 twenty but not more than twenty-five miles per hour
22 over the posted speed limit.

23 (4) One thousand dollars for speed greater than
24 twenty-five miles per hour over the posted speed limit.

25 j. Vehicle component parts records violations. For
26 violations under section 321.95, the scheduled fine is
27 fifty dollars.>

28 2. Page 29, line 15, by striking <one hundred ten>
29 and inserting <~~one~~ two hundred>

30 3. Page 29, line 27, after <2011.> by inserting
31 <Of the moneys allocated for deposit into the victim
32 compensation fund pursuant to section 602.8108,
33 subsection 3, the state court administrator shall
34 allocate to the treasurer of state for deposit in the
35 public safety enforcement fund the first two hundred
36 thirty-five thousand dollars of the moneys received
37 during the fiscal year beginning July 1, 2010, and
38 ending June 30, 2011.>

39 4. By striking page 29, line 34, through page 30,
40 line 20, and inserting:

41 <a. To the department of corrections for
42 operations including but not limited to drug courts
43 and salaries and support for probation and parole
44 officers, \$837,810, and of the amount allocated in
45 this paragraph, \$402,810 shall be allocated by the
46 department of corrections to the sixth judicial
47 district department of correctional services, \$335,000
48 shall be allocated to the fifth judicial district
49 department of correctional services, and \$100,000 shall
50 be allocated to the first judicial district department

1 of correctional services.

2 b. To the department of corrections for salaries
3 and support for correctional officers, \$2,497,190, and
4 of the amount allocated in this paragraph, \$1,451,000
5 shall be allocated by the department of corrections
6 for the operation of the Fort Madison correctional
7 facility, \$846,190 shall be allocated for the operation
8 of the Luster Heights facility, and \$200,000 shall be
9 allocated for the operation of the Anamosa correctional
10 facility.

11 c. To the department of public safety, \$150,000,
12 for costs associated with the training and equipment
13 needs of volunteer fire fighters.

14 d. To the department of public safety for salaries
15 and support for sworn peace officers of the state
16 patrol, \$300,000.

17 e. To the Iowa civil rights commission, \$100,000.

18 f. To the judicial branch, \$5,300,000.

19 g. To the department of justice for salaries and
20 support, \$150,000.

21 3. Moneys remaining in the fund at or after the
22 close of the fiscal year shall revert to the general
23 fund of the state.

24 4. This section is repealed June 30, 2011.>

25 5. Page 33, before line 21 by inserting:

26 <Sec. _____. Section 321.174, subsection 1, Code
27 2009, is amended to read as follows:

28 1. a. A person, except those expressly exempted,
29 shall not operate any motor vehicle upon a highway in
30 this state unless the person has a driver's license
31 issued by the department valid for the vehicle's
32 operation.

33 b. A moving traffic violation does not include a
34 violation of this subsection.

35 Sec. _____. Section 321.210, subsection 2, paragraph
36 d, Code 2009, is amended to read as follows:

37 d. The first two speeding violations within any
38 twelve-month period of ten miles per hour or less over
39 the legal speed limit in speed zones having a legal
40 speed limit between thirty-four miles per hour and
41 ~~fifty-six~~ sixty-one miles per hour.

42 Sec. _____. Section 516B.3, subsection 1, Code 2009,
43 is amended to read as follows:

44 1. The commissioner shall require that insurance
45 companies transacting business in this state not
46 consider speeding violations occurring on or after
47 July 1, 1986, but before May 12, 1987, which are for
48 speeding violations for ten miles per hour or less
49 over the legal speed limit in speed zones that have a
50 legal speed limit greater than thirty-five miles per

1 hour or speeding violations occurring on or after May
2 12, 1987, which are for speeding violations for ten
3 miles per hour or less over the legal speed limit in
4 speed zones that have a legal speed limit equal to or
5 greater than thirty-five miles per hour but not greater
6 than ~~fifty-five~~ sixty miles per hour for the purpose
7 of establishing rates for motor vehicle insurance
8 charged by the insurer and shall require that insurance
9 companies not cancel or refuse to renew any such policy
10 for such violations. In any twelve-month period, this
11 section applies only to the first two such violations
12 which occur.>

13 6. Title page, line 2, by striking <providing for>
14 and inserting <modifying certain traffic offenses,>

By TAYLOR of Linn

R. OLSON of Polk

H-8462

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 24, after line 5 by inserting:

4 <DIVISION _____

5 DIVISION OF PROPERTY TAX REVENUE

6 <Sec. _____. Section 331.502, Code Supplement 2009,
7 is amended by adding the following new subsection:

8 NEW SUBSECTION. 42A. Prepare and submit the report
9 required under section 403.19, subsection 9.

10 Sec. _____. Section 403.19, subsection 2, Code 2009,
11 is amended to read as follows:

12 2. a. That portion of the taxes each year in
13 excess of such amount shall be allocated to and
14 when collected be paid into a special fund of the
15 municipality to pay the principal of and interest on
16 loans, moneys advanced to, or indebtedness, whether
17 funded, refunded, assumed, or otherwise, including
18 bonds issued under the authority of section 403.9,
19 subsection 1, incurred by the municipality to finance
20 or refinance, in whole or in part, an urban renewal
21 project within the area, and to provide assistance for
22 low and moderate income family housing as provided
23 in section 403.22, ~~except that.~~ However, except as
24 provided in paragraph "b", taxes for the instructional
25 support program of a school district imposed pursuant
26 to section 257.19 and taxes for the regular and
27 voter-approved physical plant and equipment levy of a
28 school district imposed pursuant to section 298.2 and
29 taxes for the payment of bonds and interest of each
30 taxing district must be collected against all taxable
31 property within the taxing district without limitation
32 by the provisions of this subsection.

33 b. (1) ~~However, all~~ All or a portion of the taxes
34 for the physical plant and equipment levy shall be
35 paid by the school district to the municipality if
36 the auditor certifies to the school district by July
37 1 the amount of such levy that is necessary to pay
38 the principal and interest on bonds issued by the
39 municipality to finance an urban renewal project, which
40 bonds were issued before July 1, 2001. Indebtedness
41 incurred to refund bonds issued prior to July 1, 2001,
42 shall not be included in the certification. Such
43 school district shall pay over the amount certified
44 by November 1 and May 1 of the fiscal year following
45 certification to the school district.

46 (2) (a) All or a portion of the taxes for the
47 instructional support program levy of a school
48 district shall be paid by the school district to the
49 municipality if the auditor, pursuant to subsection 8,
50 certifies to the school district by July 1 the amount

H-8462

1 of such levy that is necessary to pay the principal and
2 interest on bonds issued or other indebtedness incurred
3 by the municipality to finance an urban renewal project
4 that was approved at a public hearing on or before the
5 effective date of this division of this Act, if the
6 urban renewal project or the applicable urban renewal
7 plan has not been amended following such approval
8 and if the bonds issued or indebtedness incurred
9 has not been refinanced by the municipality. Such
10 school district shall pay over the amount certified
11 by November 1 and May 1 of the fiscal year following
12 certification to the school district.

13 (b) In lieu of payment to a municipality under
14 subparagraph division (a), a school district may by
15 resolution of the board of directors of the school
16 district approve at a regular meeting of the board
17 of directors the payment of all or a portion of the
18 instructional support program property tax revenue
19 excluded under paragraph "a", to the municipality for
20 the payment of principal and interest on bonds issued
21 or other indebtedness incurred by the municipality for
22 an urban renewal project approved before, on, or after
23 the effective date of this division of this Act.

24 c. Unless and until the total assessed valuation of
25 the taxable property in an urban renewal area exceeds
26 the total assessed value of the taxable property in
27 such area as shown by the last equalized assessment
28 roll referred to in subsection 1, all of the taxes
29 levied and collected upon the taxable property in
30 the urban renewal area shall be paid into the funds
31 for the respective taxing districts as taxes by or
32 for the taxing districts in the same manner as all
33 other property taxes. When such loans, advances,
34 indebtedness, and bonds, if any, and interest thereon,
35 have been paid, all moneys thereafter received from
36 taxes upon the taxable property in such urban renewal
37 area shall be paid into the funds for the respective
38 taxing districts in the same manner as taxes on all
39 other property.

40 d. In those instances where a school district
41 has entered into an agreement pursuant to section
42 279.64 for sharing of school district taxes levied and
43 collected from valuation described in this subsection
44 and released to the school district, the school
45 district shall transfer the taxes as provided in the
46 agreement.

47 Sec. _____. Section 403.19, Code 2009, is amended by
48 adding the following new subsections:

49 NEW SUBSECTION. 8. For any fiscal year, a
50 municipality may certify to the county auditor for

1 instructional support program property tax revenue
2 necessary for payment of principal and interest on
3 bonds issued or other indebtedness incurred for an
4 urban renewal project that was approved at a public
5 hearing on or before the effective date of this
6 division of this Act, if the urban renewal project or
7 the applicable urban renewal plan has not been amended
8 following such approval and if the bonds issued or
9 indebtedness incurred has not been refinanced by the
10 municipality. If for any fiscal year a municipality
11 fails to certify to the county auditor by July 1 the
12 amount of instructional support program property tax
13 revenue necessary for payment of principal and interest
14 on such bonds, as provided in subsection 2, the school
15 district is not required to pay over the revenue to the
16 municipality. If a school district and a municipality
17 are unable to agree on the amount of instructional
18 support program property tax revenue certified by the
19 municipality, either party may request that the state
20 appeal board review and finally pass upon the amount
21 that may be certified. Such appeals must be presented
22 in writing to the state appeal board no later than
23 July 31 following certification. The burden shall be
24 on the municipality to prove that the instructional
25 support program property tax revenue is necessary to
26 pay principal and interest on the applicable bonds. A
27 final decision must be issued by the state appeal board
28 no later than the following October 1.

29 NEW SUBSECTION. 9. The county auditor shall
30 prepare an annual report of all urban renewal projects
31 or urban renewal plans within the county that utilized
32 a division of revenue under this section and that were
33 terminated or that expired during the previous fiscal
34 year. Such report shall be submitted to the department
35 of management each year on or before October 1.

36 Sec. _____. EFFECTIVE UPON ENACTMENT AND
37 APPLICABILITY. This division of this Act, being deemed
38 of immediate importance, takes effect upon enactment
39 and applies to property taxes due and payable in fiscal
40 years beginning on or after July 1, 2010.>

41 2. By renumbering as necessary.

By ISENHART of Dubuque
SCHUELLER of Jackson
STRUYK of Pottawattamie

SENATE FILE 2380

H-8483

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking lines 9 through 18.
- 4 2. By renumbering as necessary.

By SCHULTE of Linn	SCHULTZ of Crawford
HAGENOW of Polk	SODERBERG of Plymouth
ALONS of Sioux	SWEENEY of Hardin
DE BOEF of Keokuk	DRAKE of Cass
MAY of Dickinson	MAREK of Washington
S. OLSON of Clinton	MERTZ of Kossuth
L. MILLER of Scott	QUIRK of Chickasaw
CHAMBERS of O'Brien	UPMEYER of Hancock
LUKAN of Dubuque	SCHUELLER of Jackson
ROBERTS of Carroll	ZIRKELBACH of Jones

H-8483 FILED MARCH 18, 2010

SENATE FILE 2380

H-8484

- 1 Amend Senate File 2380, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking lines 2 through 9.
- 4 2. By renumbering as necessary.

By SWEENEY of Hardin	CHAMBERS of O'Brien
ALONS of Sioux	LUKAN of Dubuque
DE BOEF of Keokuk	ROBERTS of Carroll
MAY of Dickinson	SCHULTZ of Crawford
S. OLSON of Clinton	SODERBERG of Plymouth
L. MILLER of Scott	DRAKE of Cass

H-8484 FILED MARCH 18, 2010

SENATE FILE 2380

H-8485

1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 5, line
4 3, and inserting:

5 <DIVISION I

6 REVIEW AND REAUTHORIZATION OF PROGRAMS

7 Section 1. INTENT AND PURPOSE.

8 1. It is the intent of the general assembly that
9 each tax credit, withholding credit, and revenue
10 division program should effectuate the purposes for
11 which it was enacted and that the cost of such programs
12 should be included more readily in the yearly budgeting
13 process.

14 2. The purposes of this Act are to provide for the
15 regular review of all tax credit, withholding credit,
16 and revenue division programs in order to facilitate
17 the reauthorization of successful programs and to do
18 so at a cost that can be accommodated by the state's
19 annual budget.

20 DIVISION II

21 LEGISLATIVE TAX EXPENDITURE COMMITTEE

22 Sec. 2. Section 2.45, Code Supplement 2009, is
23 amended by adding the following new subsection:

24 NEW SUBSECTION. 5. a. The legislative tax
25 expenditure committee which shall be composed of
26 ten members of the general assembly, consisting of
27 five members from each house, to be appointed by the
28 legislative council. In appointing the five members of
29 each house to the committee, the council shall appoint
30 three members from the majority party and two members
31 from the minority party.

32 b. The legislative tax expenditure committee shall
33 have the powers and duties described in section 2.48.

34 Sec. 3. NEW SECTION. 2.48 Legislative tax
35 expenditure committee -- review of tax incentive
36 programs.

37 1. Duties of committee. The legislative tax
38 expenditure committee shall do all of the following:

39 a. Evaluate any tax expenditure available
40 under Iowa law and assess its equity, simplicity,
41 competitiveness, public purpose, adequacy, and extent
42 of conformance with the original purposes of the
43 legislation that enacted the tax expenditure, as those
44 issues pertain to taxation in Iowa. For purposes of
45 this section, "tax expenditure" means an exclusion
46 from the operation or collection of a tax imposed in
47 this state. Tax expenditures include tax credits,
48 exemptions, deductions, and rebates. Tax expenditures
49 also include sales tax refunds issued pursuant to
50 section 423.3 or section 423.4.

H-8485

1 b. Establish and maintain a system for making
2 available to the public information about the amount
3 and effectiveness of tax expenditures, and the extent
4 to which tax expenditures comply with the original
5 intent of the legislation that enacted the tax
6 expenditure.

7 2. Review of tax expenditures -- budget
8 estimates. The legislative tax expenditure committee
9 shall do all of the following:

10 a. Engage in the regular review of the state's tax
11 expenditures.

12 (1) In reviewing tax expenditures, the committee
13 may review any tax expenditure at any time, but
14 shall at a minimum perform the reviews described in
15 subsection 3.

16 (2) For each tax expenditure reviewed, the
17 committee shall submit a report to the legislative
18 council containing the results of the review. The
19 report shall contain a statement of the policy goals
20 of the tax expenditure and a return on investment
21 calculation for the tax expenditure. For purposes of
22 this subparagraph, "return on investment calculation"
23 means analyzing the cost to the state of providing
24 the tax expenditure, analyzing the benefits realized
25 by the state from providing the tax expenditure, and
26 reaching a conclusion as to whether the benefits of
27 the tax expenditure are worth the cost to the state of
28 providing the tax expenditure.

29 (3) The report described in subparagraph (2)
30 may include recommendations for better aligning
31 tax expenditures with the original intent of the
32 legislation that enacted the tax expenditure.

33 b. (1) Estimate for each fiscal year, in
34 conjunction with the legislative services agency
35 and the department of revenue, the cost of each
36 individual tax expenditure and the total cost of all
37 tax expenditures, and by December 15 provide those
38 estimates to the governor for use in the preparation
39 of the budget message under section 8.22 and to the
40 general assembly to be used in the budget process.

41 (2) The estimates provided pursuant to subparagraph
42 (1) may include the committee's recommendations for
43 the imposition of a limitation on a specified tax
44 expenditure, a limitation on the total amount of
45 tax expenditures, or any other recommendation for a
46 specific tax expenditure or the program under which the
47 tax expenditure is provided.

48 3. Schedule of review of all tax expenditures. The
49 committee shall review the following tax expenditures
50 and incentives according to the following schedule:

1 a. In 2011:
2 (1) The high quality jobs program under chapter 15,
3 subchapter II, part 13.
4 (2) The tax credits for increasing research
5 activities available under sections 15.335, 15A.9,
6 422.10, and 422.33.
7 (3) The franchise tax credits available under
8 sections 422.11 and 422.33.
9 (4) The earned income tax credit available under
10 section 422.12B.
11 b. In 2012:
12 (1) The Iowa fund of funds program in chapter 15E,
13 division VII.
14 (2) Property tax revenue divisions for urban
15 renewal areas under section 403.19.
16 (3) The targeted jobs withholding credits available
17 under section 403.19A.
18 (4) Funding of urban renewal projects with
19 increased local sales and services tax revenues under
20 section 423B.10.
21 (5) School tuition organization tax credits under
22 sections 422.11S and 422.33.
23 (6) Tuition and textbook tax credits under section
24 422.12.
25 c. In 2013:
26 (1) The child and dependent care and early
27 childhood development tax credits under section
28 422.12C.
29 (2) The endow Iowa tax credits authorized under
30 section 15E.305.
31 (3) The redevelopment tax credits available under
32 section 15.293A.
33 (4) The disaster recovery housing tax credits
34 available under sections 16.211 and 16.212.
35 (5) The tax credits available for film, television,
36 and video project promotion under section 15.393.
37 d. In 2014:
38 (1) Tax credits for investments in qualifying
39 businesses and community-based seed capital funds under
40 chapter 15E, division V.
41 (2) Historic preservation and cultural and
42 entertainment district tax credits under chapter 404A.
43 (3) Wind energy production tax credits under
44 chapter 476B.
45 (4) Renewable energy tax credits under chapter
46 476C.
47 (5) The ethanol promotion tax credits available
48 under section 422.11N.
49 (6) The E-85 gasoline promotion tax credits
50 available under section 422.110.

1 (7) The biodiesel blended fuel tax credits
2 available under section 422.11P.
3 e. In 2015:
4 (1) The agricultural assets transfer tax credit
5 under section 175.37.
6 (2) The claim of right tax credit under section
7 422.5.
8 (3) The reduction in allocating income to Iowa by S
9 corporation shareholders under section 422.8.
10 (4) The minimum tax credit under sections 422.11B,
11 422.33, and 422.60.
12 (5) The assistive device corporate tax credit under
13 section 422.33.
14 (6) The charitable conservation contribution tax
15 credit under sections 422.11W and 422.33.
16 (7) The motor vehicle fuel tax credit under section
17 422.110.
18 (8) The new jobs tax credits available under
19 section 422.11A.
20 (9) The financial assistance available under the
21 enterprise zones program in chapter 15E, division
22 XVIII.
23 4. A tax expenditure or incentive reviewed pursuant
24 to subsection 3 shall be reviewed again not more than
25 five years after the tax expenditure or incentive was
26 most recently reviewed.>
27 2. Page 5, line 26, by striking <2012> and
28 inserting <2013>
29 3. By renumbering as necessary.

By SANDS of Louisa

SENATE FILE 2380

H-8486

- 1 Amend Senate File 2380, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 24, before line 6 by inserting:
4 <DIVISION ____
5 REVENUES FOR SCHOOL AID
6 Sec. _____. NEW SECTION. 421.18 Certification of tax
7 credit savings -- appropriation to property tax equity
8 relief fund.
9 1. The department shall annually calculate the
10 amount of tax credit savings realized from 2010 Iowa
11 Acts, Senate File 2380, and shall certify that amount
12 to the treasurer of state. For purposes of this
13 section, "tax credit savings" means the amount of
14 revenues actually collected in the most recent fiscal
15 year minus the amount of tax revenues that would have
16 been collected without enactment of 2010 Iowa Acts,
17 Senate File 2380.
18 2. There is appropriated each fiscal year from the
19 general fund of the state to the property tax equity
20 and relief fund created in section 257.16A an amount
21 equal to the amount certified pursuant to subsection
22 1.>
23 2. Title page, line 3, after <programs> by
24 inserting <, the appropriation of certified tax credit
25 savings for school aid purposes,>
26 3. By renumbering as necessary.

By HELLAND of Polk
WAGNER of Linn

H-8486 FILED MARCH 18, 2010

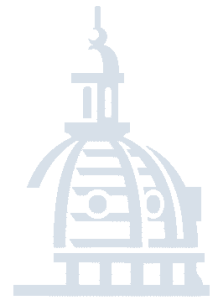
HOUSE FILE 2527

H-8478

- 1 Amend the amendment, H-8451, to House File 2527 as
2 follows:
3 1. Page 1, line 3, by striking <three> and
4 inserting <six>

By SWEENEY of Hardin

H-8478 FILED MARCH 18, 2010



SF 2380 – Tax Credit Reductions and Review (LSB 5795SV.2)

Analyst: Jeff Robinson (Phone: 515-281-4614) (jeff.robinson@legis.state.ia.us)

Fiscal Note Version – As amended and passed the Senate

Senate File 2380 as amended and passed by the Senate:

- Creates a Legislative Tax Expenditure Committee of the Legislative Council and establishes the membership and duties of the Committee, including a five-year schedule for reviewing existing tax credits and the schedule starts in 2011.
- Reduces the annual limit on specific tax credit programs administered by the Department of Economic Development from the current \$185.0 million to \$120.0 million. The change is effective FY 2010.
- Suspends the Film Tax Credit Program by prohibiting the registration of new projects until July 1, 2012.
- Alters the Supplemental Research Activities Credit by increasing the current 6.5% maximum credit to 10.0% for companies with gross annual sales of less than \$20.0 million. For companies with higher gross annual sales, the tax credit is reduced from 6.5% to 3.0%. The change impacts only future awards.
- Lowers the annual cap for some tax credit programs and discontinues other tax credit programs. Impacted tax credit programs include:
 - Accelerated Career Education (ACE) Withholding Tax Credit
 - Agriculture Asset Transfer Tax Credit
 - Economic Development Region Revolving Loan Fund Tax Credit
 - Endow Iowa Tax Credit
 - School Tuition Organization Tax Credit
 - Iowa Fund of Funds Tax Credit
 - Venture Capital Investment Tax Credit
 - Value-added Agricultural Products Refundable Tax Credit
 - Historic Preservation and Cultural & Entertainment District Tax Credit
- Reenacts the Estate Tax to the extent a federal pick-up tax is allowed in the future.
- Requests that the Legislative Council establish 2010 interim committees to study the Enterprise Zone Program and the Industrial New Jobs Training Program (260E) with reports due to the General Assembly by January 15, 2011.

Assumptions

- Division II – Legislative Tax Expenditure Committee – The creation of a Legislative committee will have per diem and other minor administrative costs. It can also be assumed that although the Bill does not appropriate any funds for technical assistance to the Committee, the review work of the Committee will require significant staff time by the Departments of Revenue and Economic Development, as well as legislative staff. Additional reporting requirements may also be expected of other agencies and local governments. If the review identifies inefficient or ineffective tax preferences and those items are improved or ended, the review could substantially improve the economic efficacy of the State's overall tax incentive policy.
- Division III – Reduction in the Aggregate Annual Allowable Tax Credit Cap – The Bill reduces the current annual cap for three major Department of Economic Development

(DED) business subsidy programs, Enterprise Zones, High Quality Jobs, and Film Tax Credits. The current annual tax credit cap is \$185.0 million and the Bill reduces the cap to \$120.0 million effective FY 2010. With suspension of the Film Tax Credit program and given the present economic environment, it is assumed for this fiscal impact estimate that the lower cap will have no effect on tax credit awards in FY 2010 or FY 2011, but will reduce overall awards made in FY 2012 and for the foreseeable future by \$65.0 million per year. Since tax credit redemptions are spread over several years after they are awarded, the impact on net General Fund revenue in the initial years is projected to be low.

- Division IV – Suspension of the Film Tax Credit Program – This projection assumes that without Legislative action to suspend the Film Tax Credit program and/or lower the current \$185.0 million aggregate tax credit cap, the DED will begin to approve additional film projects in calendar year 2011. This projection further assumes that if a \$120.0 million aggregate cap is enacted, the DED will not resume approving film projects in the foreseeable future.
- Division V – Supplemental Research Activities Credit – The Bill enhances the supplemental credit for companies with annual gross sales under \$20.0 million and reduces the supplemental credit for companies with higher gross sales. The changes would not impact tax credit agreements already in place and there is often a lag between when a project is approved for the supplemental credit and when the credit is actually redeemed. Therefore, the impact on net General Fund revenue is expected to be low in the initial years.
- Division VI – Accelerated Career Education (ACE) Withholding Tax Credit – The maximum annual cap is reduced from \$6.0 million to \$5.4 million. The ACE program is currently not operating at its full \$6.0 million cap and the impact of the lower cap is calculated from projected usage, not from the current cap.
- Division VII – Agricultural Asset Transfer Tax Credit – The maximum annual cap is reduced from \$6.0 million to \$3.0 million. The program is currently not operating at its full \$6.0 million cap and the impact of the lower cap is calculated from projected usage, not from the current cap.
- Division VIII – Economic Development Region Revolving Loan Fund Tax Credit – The Bill repeals this tax credit.
- Division IX – Endow Iowa Tax Credit – The maximum annual cap is reduced from \$3.0 million to \$2.7 million.
- Division X – School Tuition Organization Tax Credit – The maximum annual cap is reduced from \$7.5 million to \$6.75 million.
- Division XI – Fund of Funds Tax Credit – This tax credit ensures that investors in the Fund of Funds will receive their entire investment back, along with an agreed to rate of return when their specified investment in the Fund of Funds is liquidated. If the returns received after the specified investment is liquidated are insufficient to cover the investment, contingent tax credits sufficient to make the investor whole are activated. Since the first investment is not scheduled to be liquidated for several years, the actual amount of tax contingent tax credits that will be necessary is not known. Without the language in the Bill, the maximum liability to the State General Fund is \$100.0 million, with a maximum annual redemption of \$20.0 million per year. With the language in the Bill, the maximum liability to the State General Fund is \$60.0 million, and the maximum annual redemption remains at \$20 million per year.
- Division XII – Venture Capital Investment Tax Credit – The Bill repeals this tax credit.
- Division XIII – Refundable Value-Added Agriculture Tax Credits – Iowa Code Section 15.333(3) allows certain projects approved under the High Quality Jobs Creation Act to receive a portion of their tax credits as refundable tax credits. The maximum annual amount of refundable credits the DED may approve is \$4.0 million. The \$4.0 million awarded by the DED is part of the aggregate tax credit cap (see Division III above). This fiscal estimate assumes that under current law, a sufficient volume of qualified projects will occur each year to fully utilize the refundable \$4.0 million and the refunds will impact the State General Fund in the fiscal year following the award.
- Division XIV – Historic Preservation and Cultural & Entertainment District Tax Credit – The maximum annual amount of Historic Preservation Tax Credits that may be awarded for one

tax year is reduced from \$50.0 million to \$45.0 million. The change first impacts FY 2013 and the first full year of impact is FY 2014. The tax credits are refundable so the impact of the lower credit limit is immediate.

- Division XV – Iowa Estate Tax Reenactment – Former federal estate tax law allowed states to impose a tax against an estate, with the dollar amount of the state tax reducing the federal estate tax due dollar-for-dollar. This was commonly referred to as the “pick-up tax”. The federal government rescinded the pick-up tax provision in the mid-2000’s as part of a total phase-out of the federal estate tax. The federal estate tax and the corresponding pick-up tax provision are scheduled to return after December 31, 2010. Should this occur, Division XV would allow the State of Iowa to receive revenue from the pick-up tax without increasing the overall tax on an estate.
- Divisions XVI and XVII – Interim Study Committees – Requests that the Legislative Council create two interim study committees, one to evaluate the Enterprise Zone Program and one to evaluate the Industrial New Jobs Training Program (260E).

Fiscal Impact

The following table provides the projected direct impact on net General Fund revenue associated with the tax credit changes contained in the Bill.

		Estimate of Reduction in Tax Credit Redemptions & Increase in Estate Pick-up Tax Collections - Net General Fund Revenue Increase by Fiscal Year (\$ in millions)			
Bill Division		FY 2011	FY 2012	FY 2013	FY 2014
III	Aggregate Cap at \$120.0 million	\$ 0.0	\$ 0.0	\$ 3.0	\$ 5.4
IV	Film Suspension	0.0	19.0	23.4	14.0
V	Research Activities	0.0	0.0	0.3	1.0
VI	Accelerated Career Education	0.4	0.4	0.4	0.4
VII	Agriculture Asset Transfer	0.0	0.3	0.8	1.5
VIII	Econ. Develop. Region	0.0	0.0	0.0	0.0
IX	Endow Iowa	0.1	0.2	0.2	0.2
X	School Tuition Organization	0.5	0.7	0.7	0.7
XI	Fund of Funds	0.0	0.0	0.0	0.0
XII	Venture Capital Investment	0.0	0.0	0.0	0.0
XIII	Value-added Ag Refundable	4.0	4.0	4.0	4.0
XIV	Historic Preservation	0.0	0.0	2.3	5.0
XV	Estate Pick-up Tax	0.0	28.5	46.2	46.9
		<u>\$ 5.0</u>	<u>\$ 53.1</u>	<u>\$ 81.3</u>	<u>\$ 79.1</u>

Longer term, the Bill lowers annual tax credit awards and redemptions by approximately \$74.7 million and increases potential annual estate tax revenue by \$47.0 million through reenactment of the estate pick-up tax. The Bill also lowers the potential program lifetime liability of the Fund of Funds Tax Credit by \$40.0 million, although that amount is not included in the table below.

Estimate of Reduction in Tax Credit Redemptions &
Increase in Estate Pick-up Tax Collections -
Net General Fund Revenue Increase
(\$ in millions)

	<u>Max Impact Per FY</u>
Aggregate Cap at \$120.0 million, Value-Added Ag Refundable, and Research Activities Credit Changes	\$ 65.0
Accelerated Career Education	0.6
Agriculture Asset Transfer	3.0
Endow Iowa	0.3
School Tuition Organization	0.8
Historic Preservation	5.0
Estate Pick-up Tax	<u>47.0</u>
	\$ 121.7

In addition, the Bill will require a projected \$200,000 to \$300,000 annually in State agency staff time (primarily the Departments of Revenue and Economic Development as well as the Legislative staff) to provide assistance to the Legislative Tax Expenditure Committee. The Bill does not provide funding so the expenditures are assumed to require the utilization of existing agency resources.

Sources

Department of Revenue
Legislative Services Agency Analysis

/s/ Holly M. Lyons

March 18, 2010

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 2530 – Motor Vehicle Collision Repair, Sales Tax Exemption (LSB 6188HV)
Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2530 provides a sales tax exemption for paint or other consumable items purchased by an auto body shop for use of repair of vehicles. The paint or consumable item must be itemized on the invoice of the customer.

Background

Currently, auto body shops pay sales tax on paint and other consumable items to wholesalers. This Bill would exempt the sales tax at the wholesale level and require that the auto body shops collect sales tax for paint and other items from consumers if those items are itemized on the sales invoice.

Assumptions

- Average annual total body shop repair costs in Iowa of approximately \$262.1 million.
- Consumable materials account for approximately 10.3% of the total repair costs.
- Average cost mark-up of approximately 30.0%.
- Auto body shops will itemize the price of paint and other consumables on the invoice.
- Effective Local Option Sales Tax (LOST) rate of 0.87% statewide.

Fiscal Impact

The estimated fiscal impact of this Bill is an increase of annual gross State sales tax revenue totaling approximately \$380,000. The impact will be divided between the General Fund and the Secure an Advanced Vision for Education (SAVE) Fund is as follows:

- The estimated impact on the State General Fund is an increase of approximately \$315,000 annually.
- The estimated impact on the SAVE Fund is an increase of approximately \$65,000 annually.

This Bill is also estimated to increase the LOST revenue by approximately \$54,000 annually.

Sources

Body Shop Business, State of the Industry Reports (2006 and 2008)
Iowa Collision Repair Association
LSA analysis and calculations

/s/ Holly M. Lyons

March 18, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
